

NUCLEAR AGREEMENT WITH IRAN: CAN'T TRUST, CAN WE VERIFY?

HEARING BEFORE THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED FOURTEENTH CONGRESS FIRST SESSION

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WEDNESDAY, APRIL 22, 2015

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Edward Royce (chairman of the committee) presiding.

Chairman ROYCE. This hearing will come to order today on the nuclear agreement with Iran and we continue our consideration of the possible final nuclear accord.

Earlier this month, the administration and our negotiating partners announced the "framework" of a final agreement that has to be hammered out by the end of June. Now, all of the essential elements of this inspections regime still need to be negotiated.

But I will mention that it was this committee that passed sanctions originally in the Senate which brought Iran to the table and it was this committee last session that passed unanimously legislation authored by Mr. Engel and myself that would in fact have given the clerics in Iran a choice between economic collapse or real compromise on their nuclear program. That bill passed the House floor 400 to 20 but that bill was held in the Senate.

So today, the ink isn't even dry on this month's announcement but we saw 2 weeks ago the chants led by the Supreme Leader in Iran, "Yes," he said, "Yes, death to America" and then later asserted that Iran would not allow international inspectors access to Iran's military facilities.

This weekend, the deputy head of the Iranian Revolutionary Guard Corps reiterated, "They will not even be permitted to inspect the most normal military site in their dreams."

The administration has shrugged off such comments as Iranian domestic spin but the issue of inspections and verification will be central to how Congress judges any final agreement.

Will inspectors have quick, unimpeded, go-anywhere, anytime access? Who can these inspectors interview? What documents can they review? Can they take environmental samples? Does the IAEA have the qualified manpower and resources to take this on? Can the framework's limited centrifuge research and development restriction really be verified?

Now, Iran's long history of clandestine activity and intransigence prevents the U.S. from holding any trust whatsoever in the clerics who run Iran. Indeed, deception has been a cornerstone of their nu-

clear program since its inception. So when it comes to negotiating and inspections regime over the next 2 months, the U.S. must gain ground, not retreat.

A key piece of verification includes Iran coming clean on its past bomb work. We recall that the IAEA asked those 12 questions about their testing. They got an answer back up half of the first question and none of the others were responded to. That still has not happened despite long-overdue commitments on the part of Iran to international inspectors.

The IAEA remains concerned about signs of Iran's military-related activities; including designing a nuclear payload for a missile—a nuclear weapon for an ICBM missile. Iran hasn't even begun to address these concerns, and last fall 350 members wrote to the secretary of state expressing deep concerns about this lack of cooperation. Yet, the framework agreement is vague on this critical verification step.

Intrusive inspections are even more critical when you consider a recent Department of Defense study. It points out that the U.S. capabilities to locate undeclared nuclear facilities or convert nuclear programs are "either," in the words of the Department of Defense study, "inadequate, or more often, do not exist."

And, critically, that study also reminds us that, "verification is principally the political judgment," in the words of the study, "to which monitoring and other means contribute."

The IAEA and its inspectors will play an essential role in monitoring Iran, but it will ultimately be up to the administration and its negotiating partners, which includes Russia and China—likely acting through the U.N. Security Council or another international body—to decide whether Iran is complying with its commitments.

And this is another weak link. If Iran is caught cheating, will this or the next administration be prepared to call them out? I am not confident. Why? Because during the interim negotiations when Iran was caught testing an advanced supersonic centrifuge it faced no consequences. As one witness will testify, international inspectors can be no tougher than the countries that back them.

The history of arms-control inspections is that they are easy for political leaders to tout as a solution, but are difficult to fully implement. What looks good on the chalkboard often fails in the real world.

Even if verified, as one witness will note, this agreement still puts Iran on the path to being an accepted nuclear weapons state. And beginning in 10 years, the administration's lauded 1-year breakout period begins to fall away and Iran will be able to enrich on an industrial scale. At the same time, Iran's Revolutionary Guard is advancing its ballistic missile capability under orders from the Supreme Leader to "mass produce" and he has been publicly quite vocal about the need to "mass produce" ICBMs.

In announcing this framework agreement with Iran, the President boldly declared that "If Iran cheats the world will know." Today, we will hear from former top weapons inspectors and non-proliferation experts to learn what it would take for that assertion to be true and to be credible.

And I will now turn to the ranking member for any opening remarks he may have.

Mr. ENGEL. Mr. Chairman, thank you for calling this hearing and thank you for your leadership of this committee. Let me also thank our witnesses for their insight and expertise.

As Congress works to address the potential deal with Iran, it is important that we seek input from all corners of the policy arena. So I look forward to a good discussion.

Before we hear the testimony of our witnesses, I would like to outline some of my reactions to the framework that has been announced and to outline some of my lingering questions and concerns.

The bottom line goal of these negotiations was to extend to 1 year the so-called breakout period—the time needed for Iran to acquire enough fissile material to build a bomb and to close all pathways for Iran to get the bomb.

As I see it, if Iran adheres to the limitations—and by the way, we all know that is a big if—the announced framework takes some important steps toward that goal. The plan would cut by two-thirds the number of centrifuges Iran is allowed to operate and those would only be able to employ first generation technology.

Under the framework, the Iraq reactor would be overhauled, ensuring that it could never be used to produce plutonium. A strict inspection regime focused on Iran's uranium mines and mills will allow us to keep a close eye on Iran's supply of nuclear fuel from the mines to the centrifuges and beyond for the next quarter century.

That way, if Iran wanted to build a bomb covertly they would not only have to build a new covert facility, they would also need to find a new secret source of uranium. And the inspection and verification provisions of the NPT and its additional protocol remain in effect for perpetuity.

However, is the deal perfect? Obviously not. I still have a lot of questions and concerns. First of all, I always said that at the start of negotiations with Iran we should have demanded that they stop enriching while we are talking. I don't think that was a big ask, considering the Security Council of the United Nations has voted multiple times to tell Iran to stop enriching.

But we didn't do it. It bothers me—continues to bother me that while we are talking with Iran about their nuclear program at the same time Iran continues to be such a bad player on the world scene.

We hear, just reading the papers today and this week, that the United States is contemplating intercepting Iranian missiles if they head to Yemen. To me, there is just something wrong with our negotiating with them on the nuclear weapons and they continue to do all these things.

They continue not only to not release Americans from their jails but the bureau chief of the Washington Post is indicted and they are talking about bringing him up for trial and talking about the charges. It just irks me to no end.

So the administration maintains that sanctions relief depends on Iran meeting its commitments under the comprehensive agreement. Iran is looking for sanctions relief on day one.

Again, the Iranian rhetoric in this venture is not helpful. We are told that sanctions will not be removed just upon the signing of the

agreement and yet we hear Iran's leadership continuing to insist that it will.

Maybe it is just spin. Maybe it is just hype. But it certainly seems to me that the more you spin, the more times you say it, the more times there is hype, it becomes more difficult to climb down from that position.

That really bothers me. So when will Iran indeed have access to \$130 billion in frozen assets? What will they do with those assets? What will they fund? Whom will they support? These are all things that are, obviously, important to us.

Eventually, U.N. Security Council resolutions that impose nuclear-related sanctions on Iran will be lifted. But these same resolutions also prohibit the transfer of ballistic missile technology and conventional arms to Iran.

If those restrictions disappear, then we could see even more Iranian-inspired volatility in the region and pressure on neighbors. We need clarity on these sanctions issues.

In addition, the IAEA has posed a series of questions, as the chairman mentioned, on Iran's weaponization efforts, the so-called potential military dimension, or PMD.

What happened at the Parchin military base, for example? How far along is Iran in the weaponization process? If Iran were to enrich enough fissile material to achieve a breakout how long would it then take them to build a warhead and made it to missile?

We must have answers to these questions. The proposed agreement would not allow Iran to use its advanced centrifuges to produce nuclear fuel but it would permit them to continue limited research and development on these advanced machines.

What impact would this have on Iran's breakout time after the expiration of the deal? And finally, we don't know yet how disputes about potential Iranian violations will be resolved.

What will happen if the U.S. determines that Iran is engaged in some activity that violates the agreement but Russia and China disagree? What will be the process for reimposing U.N. sanctions if Iran is caught cheating?

If these questions are not resolved in a way that satisfies these concerns, concerns that Congress has outlined repeatedly, then there are likely to be major, perhaps fatal, flaws in the final deal.

And that is why Congress must play a role in this process. I have said this from day one, again and again publicly, and last week's markup in the Senate Foreign Relations Committee signaled an important shift in that direction.

I look forward to reviewing what the full Senate passes on the floor and I hope we can expeditiously consider the Corker-Cardin compromise.

And let me close by saying that even though Iran's nuclear program poses a major threat, it is only one part of a much larger problem. I said that before.

I am deeply concerned about Iran's ballistic missile program and its destabilizing behavior in the region. Yet, these issues are outside of the scope of the negotiations. In my mind, it is difficult to separate the nuclear issue from Iran's support for Hezbollah—the terrorists of Hezbollah, Hamas, President Assad, the Houthis in Yemen or the American political prisoners in Iranian jails.

Thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Engel.

We are going to go 1 minute to Ileana Ros-Lehtinen, chair of the Middle East Subcommittee, and then 1 minute to Mr. Ted Deutch, who is the ranking member of that subcommittee.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman.

Today's hearing asks can we verify a nuclear agreement with Iran. We all know the answer to that—no, we cannot. Allowing access to Iran's nuclear sites declared or undeclared still ultimately resides with the regime, and defining and then enforcing any violations becomes a political matter, not a matter of fact.

We have already seen Russia rush to do business with Iran and even lifting its suspension of S-300 surface-to-air missiles before, as you said, Mr. Chairman, before the ink could even dry on the four different versions of the framework agreement fact sheets.

Putin has announced that Russia would begin trading assets like grain and construction equipment in exchange for Iranian oil and Iran has announced that China will help build five nuclear plants in Iran.

So the notion that there will be the political will to snap back any sanctions is as illusory as the administration's belief that there will be adequate verification mechanisms in this deal—Disney's Fantasyland. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you.

Mr. Deutch.

Mr. DEUTCH. Thank you, Chairman Royce and Ranking Member Engel, for giving us this opportunity to really delve into the technical details of this deal.

We have experts who know exactly what is needed for a verification regime to prevent the development of nuclear weapons and let me just say I would like to see a deal succeed—I have been clear about that—but only if it is a good deal.

I want to see a deal that ensures Iran doesn't walk away in a few years with an industrial-sized nuclear infrastructure but perhaps most importantly I want a deal that ensures that we have access to any and every possible avenue for cheating, including access to military sites, and that we have adequate and swift measures in place to act if we suspect or find that Iran is doing so.

I have already laid out my concerns with aspects of the framework presented just a few weeks ago and I hope today will offer us the chance to get some clarity on whether there are technical ways to overcome those issues.

And though this is not the subject of this hearing, Mr. Chairman, I would say that for Iran to take a step to restore some credibility and some belief even in these negotiations, perhaps the best thing that they could do now will be to ensure that Amir Hekmati, Saeed Abedini, Jason Rezian and my constituent, Bob Levinson, return home to their families.

I thank you and I yield back.

Chairman ROYCE. Thank you, Mr. Deutch.

Now we will go lastly, 1 minute, to Judge Ted Poe, chair of the Terrorism and Nonproliferation Subcommittee, and then 1 minute to Mr. Bill Keating, who is the ranking member of the Terrorism and Nonproliferation Subcommittee.

Mr. POE. Mr. Chairman, Iran will lie until the truth will suit them better. We cannot trust Iran and I see no convincing evidence that we can verify them sticking to the final deal.

Iran is still lying about its past nuclear activities. There is no reason to hope or believe Iran will start telling the truth and being honest once sanction relief comes. This hope is delusional.

After the deal to make a deal, as I call it, Supreme Leader Khamenei said there was no deal and still screams "Death to the United States." The White House said sanctions would be lifted gradually. President Rouhani publicly demanded that the sanctions be lifted on the first day of the agreement.

The military has insisted that there will be no inspection of military facilities. The sides don't even agree on what this little deal may be. Iran could very well outsource its nuclear program to North Korea to avoid inspections altogether.

We cannot trust this regime. Iran has proven time and again to be deceitful and a dangerous state sponsor of terror hell bent on lying and cheating its way to obtain nuclear weapons, developing ICBMs to deliver these nukes while being a threat to the world and their own people.

Thank you, Mr. Chairman.

Chairman ROYCE. Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman, Ranking Member Engel, for conducting this timely hearing. I would also like to thank our witnesses for being here today.

It is an important presence that we will be able to discuss with your expertise the intricacies of this framework and I know that my colleagues will benefit from your testimony.

The indefatigable work of Secretary Kerry and Secretary Moniz have helped to advance us to a historical juncture and yet the history of Iran's actions in the nuclear arena do not inspire confidence.

For any agreement to succeed, it is critical that Iran's compliance is verifiable. This will require so-called invasive inspections and monitoring that, to me, are the key to any framework.

There remain further details and questions that I am confident will be addressed this morning and I look forward to hearing from our witnesses.

Thank you, Mr. Chairman. I yield back.

Chairman ROYCE. Thank you.

This morning we are pleased to be joined by a distinguished group of experts. Mr. Charles Duelfer was a top official of the U.N. weapons inspection organization. Mr. Stephen Rademaker is the former Assistant Secretary at U.S. Department of State for the Bureau of Arms Control and Bureau of International Security and Nonproliferation.

By the way, Mr. Rademaker is a national security project advisor at the Bipartisan Policy Center and formerly served as chief counsel to this committee and we welcome him back.

And Mr. David Albright is the founder and president of the Institute for Science and International Security in Washington, DC, and has appeared before this committee on numerous occasions and we welcome him back as well.

And without objection, the witnesses' full prepared statements will be made part of the record and members will have 5 calendar

days to submit any statements or questions to them or extraneous materials for the record.

And, Mr. Duelfer, please summarize your remarks.

STATEMENT OF MR. CHARLES DUELFER, CHAIRMAN, OMNIS, INC. (FORMER CHAIRMAN, UN SPECIAL COMMISSION ON IRAQ [UNSCOM])

Mr. DUELFER. Thank you, Chairman Royce and Congressman Engel, members of the committee.

I last appeared before this group a decade ago when I was presenting the results of an outfit which was named the Iraq Survey Group headed by the CIA in which there were many members from the military and every part of the U.S.—

Chairman ROYCE. I am going to suggest that you get that mike a little closer.

Mr. DUELFER [continuing]. Many members of the intelligence community. I thank the committee for remembering that work and for learning from the past because the experiences and the knowledge that we gained came at a great price.

We lost people in that exercise. I want to note their names. We lost Sergeant Lawrence Roukey of Maine, Sergeant Sherwood Baker of Pennsylvania, Sergeant Don Clary of Kansas and Sergeant First Class Clint Wisdom, also of Kansas.

So the knowledge that we gained was expensive and I am very glad that this committee is taking that into account in considering the issues that we face today.

As the chairman mentioned, I spent a lot of time at the U.N. as the deputy chairman of the Iraqi inspection team and I am going to draw some points based on that experience, just a few.

First of all, as some people have noted in their opening remarks, we had greater authority in those days than anything which has been contemplated for Iran.

We could go anyplace anytime. We could take things into Iraq. We could take things out of Iraq. We operated helicopters. We had U-2 missions. We had sensors. We could interview anyone. We could seize documents.

We could do all of that, and yet we struggled after 6 or 7 years and we couldn't accomplish the task that was given us. As it turned out, Saddam Hussein had given, at the end of the day, more than we expected. But the fact was we could not confirm that. So even with all that access we could not do the job.

Second point—in the current set of circumstances it is envisioned that the sanctions will remain off of Iran unless there is some indication otherwise as reported by the inspectors. That is upside down with respect to what we had in Iraq. In Iraq, the sanctions stayed on until and unless the weapons inspectors reported that Iraq was compliant.

I would suggest that that dynamic makes it much tougher for the head of the inspection team to report to the Security Council and to the world. It is a much tougher thing to do to say something which will cause sanctions to come back in.

Third point—it is a very tough position to be as a weapons inspector at the intersection of political science and physical science. There is a lot of pressures which are going to be put on the director

general of the IAEA in the circumstances as painted out by the current agreement.

He is going to have the Iranians on one side arguing a case. He is going to have the Security Council on another side and he is going to have individual countries, all making cases to him.

Fourth point—evidence is always ambiguous. You are never going to find something that just is unavoidable. Weapons inspectors find things which are indicators that suggest certain things.

So how the weapons inspectors report that is always flexible. The number of meetings we had in the 1990s with Council members, with the Council itself, arguing over how we would characterize the evidence that we found was a very, very difficult process.

In that light, I would note from the experience we had in Iraq where we interviewed Saddam, we talked to his top people, we learned just how aggressive some other countries were in making sure that favorable treatment was given to Iraq in the Security Council and elsewhere.

So while there may be unanimity in the Security Council and among the international community at one point in time, there is a natural tendency for that—those interests to diverge over time, particularly once business is going on, when people have a financial stake in the continuation of the lifting of sanctions.

Finally, I would just say in Saddam's case he took a long view. He took a very long view. Yes, he wanted to get out of sanctions in the short term.

But it is worth recalling—and we learned this from him directly—that he had every intention of reconstituting his weapons programs when circumstances permitted.

So, you know, we, in this town, tend to have a short view—election cycles, business cycles, news cycles. We tend to discount the future very heavily. I suggest that other countries don't have that viewpoint.

Thank you very much.

[The prepared statement of Mr. Duelfer follows:]

Testimony of Charles Duelfer
Chairman, Omnis Inc.
Former Head of the Iraq Survey Group
Former Deputy Executive Chairman of UN Special Commission on Iraq
(UNSCOM)

Before the House Committee on Foreign Affairs
April 22, 2015

“Nuclear Agreement with Iran: Can’t Trust, Can We Verify?”

Mr. Chairman, members of the Committee, I thank you for the invitation to share some perspectives on the prospective Iran nuclear agreement.

My emphasis today, is on the past, but it is directly relevant to your consideration of the present and future.

The experience of the United Nations and the United States in dealing with the WMD programs of Iraq under Saddam Hussein is directly pertinent. No doubt Tehran will have observed this process closely and taken on board some lessons. I hope we do as well.

I had the opportunity to be the Deputy Executive Chairman of the UN weapons inspection organization for Iraq (UNSCOM) during the 1990's. I served as deputy to both UNSCOM Chairmen; Ambassador Rolf Ekeus of Sweden and Ambassador Richard Butler of Australia. UNSCOM was the disarmament group formed after the 1991 war in Kuwait to verify the disposition of Saddam's WMD and create a monitoring system to assure that Iraq did not reconstitute those programs. It was a long difficult process that ultimately ended unsuccessfully.

Later in 2004-5, I had the opportunity to lead the post-invasion effort to understand what Saddam did with WMD. The Iraq Survey Group (ISG) was directed by the CIA but with broad support from all parts of the US government. Enormous efforts were made to collect and record the inner workings of the Saddam regime. ISG mission had roughly 1600 people, including British and Australian members.

It was also costly. We lost five individuals killed and had six severely wounded. The knowledge we gained came with a price.

Nevertheless, we could not lose the unique opportunity to gather first hand information regarding the decisions and actions of Baghdad under Saddam. The goal was not to find WMD, though we certainly tried, but to find the truth regarding the Regime's decisions related to WMD. We sought to record for history and learn from this experience. We gathered millions of pages of documents. We inspected dozens of sites

and, most importantly, we debriefed the key players, including Saddam himself. They had a lot to say.

We learned how Saddam saw the world and how he calculated his decisions. We learned how he interacted with regional states, members of the UN Security Council, UN weapons inspectors, and the United States. We got a sense of the factors that Saddam evaluated which led him to have (and use) WMD at certain points and not have and not use WMD at other points. We learned his long-term strategy, his short-term tactics, how he viewed Iran, and how he viewed success.

The report of the Iraq Survey Group is voluminous and detailed (over 1500 pages). We included full copies of key documents. I determined that the entire report should be declassified and publicly released. Understandably, the intelligence community was not held in high esteem following the massive errors in Iraq WMD assessments. Everyone can see the data we saw and my goal was bring as much data as possible to light so we could learn from it.

We may discount this history, but I doubt Tehran will. They will have learned from Saddam's experience as Saddam certainly had views about the threat from Iran. They were not uninformed views I might add.

But let me focus on the role of UN weapons inspectors and point to some key underlying dynamics. Again, I am drawing from several years of experience as the Deputy Chairman of UNSCOM as well as leading the Iraq Survey Group which recorded from the Iraqis themselves, how they dealt with disarmament inspections linked to sanctions.

In the Iraq situation:

1. The inspection teams were given extraordinary authority by the UN Security Council (under Chapter 7). In UN Security Council Resolutions 687 and 715, the Council gave inspectors authority to designate any site for inspection, at any time, use any methods, and Iraq was required to comply. In essence, if Iraq did not cooperate with inspectors, that was equated with non-compliance with the disarmament resolution.

2. Sanctions would remain *ON* Iraq until and unless the inspectors reported that they could; a) verify Iraq's declarations of its WMD programs and, b) put in place a monitoring system that would detect efforts by Iraq to re-create those programs.
3. The *burden of proof was on Iraq* to show verifiably that it was compliant, *not on the inspectors* to show that they were not.
4. As time went on, the consensus in the Security Council eroded. Partially because the will among Council members to sustain sanctions that hurt the Iraqi population and not the leadership wavered. More importantly, some members, notably Russia, became supporters of Baghdad. Saddam shrewdly caused Russia's interests to align with his.
5. Ultimately, the system failed. In 1998, following seven years of contentious interactions between inspectors and Iraq, and, controversy within the Security Council concerning Iraq, the inspectors reported they could not do their job under the conditions Iraq permitted them to operate. The Security Council could neither paper over this dispute, nor agree how to respond. Washington, supported only by the UK, ordered a 4-day bombing campaign dubbed Desert Fox. The inspectors evacuated and were not permitted to return.

Let me recall a few of the key parts of our inspection/monitoring system—installed after long delays and grudging acceptance by Baghdad.

UNSCOM and its partner in this effort, the IAEA, had a headquarters building in Baghdad. At its height, over 100 inspectors were based full-time in Iraq. We had helicopters based in Iraq. We had various real-time sensors deployed at locations we selected. We had aerial surveillance by both helicopters and aircraft. The USAF flew U-2 missions and the French for a time provided Mirage surveillance imagery. We could interview anyone we identified related to the WMD programs. We could seize documents at facilities we inspected.

We mounted multiple surprise inspections simultaneously to try to break through defensive concealment measures by catching them off-guard. Remember, there was no higher priority threat for all of Iraq's intelligence services than the UN inspectors. Saddam thought they were

a threat to his survival, and only possibly a path to redemption from sanctions.

No site was off-limits. We inspected the Ministry of Defense, Intelligence headquarters, military sites, barracks, even (under great restrictions and much controversy), Saddam's palaces.

We inspected sites in daytime, but also at night, and on weekends. There were no sanctuaries in location or time.

The leadership of UNSCOM judged that all these measures were necessary both to verify Iraq's declarations about its known WMD programs and to monitor against future violations. And the monitoring regime was created to operate in perpetuity.

Dealing with Iraq, was only half of the challenge facing the Chairmen of UNSCOM. At the other end of UNSCOM and IAEA's work was the UN Security Council. Inspectors reported to them collectively. This became a difficult balancing act.

The inspectors depended upon the backing of the Security Council and each Council member had individual interests. Many raised them with the Chairman. The Chairman of UNSCOM invariably had to balance their interests and views on Iraq with what the inspectors were experiencing on the ground. It was the intersection of physical science with political science.

There were long sessions in the Security Council where some members began challenging the inspector's reports. The inspectors where made an equal parties at the bar with Baghdad. Eventually, even the Secretary General, Kofi Annan, tried his hand at mediating between all parties. It was not a success.

The Chairman of the inspectors was in an untenable position. The Council empowered the inspectors to make a call about Iraq's fulfillment of their demands, but in the end there was not sufficient unambiguous evidence to dispel alternative arguments from those predisposed to see Baghdad relieved from sanctions.

Evidence collected by inspectors will almost always be ambiguous. Ultimately, access to evidence is largely controlled by the inspected party. If the inspectors somehow succeeded in arriving unexpectedly at a covert site, they would simply be blocked. Iraq would declare that it was a sensitive site that had nothing to do with WMD and refuse entry. Better for them to leave the world suspicious but not convinced. And in the end, *sometimes the sites were sensitive, but not related to WMD.*

As an example of the challenges faced by UN inspectors consider the area of biological weapons (BW). Saddam denied that he had any BW weapons for four years. Only in 1995 did Iraq admit that, in fact they did have a substantial program (and produced larger quantities of agent than the intelligence community had forecast).

But Iraq admitted this only when confronted with data that took inspectors years to accumulate. Even then, Baghdad only confessed as part of a trade. UNSCOM agreed to give them a relatively positive report on compliance with chemical weapons and ballistic missile provisions if they would officially acknowledge what was clear to the inspectors concerning BW. Iraq did so because they knew that the inspectors would not give them a clean bill until they admitted their BW activities—and they would not get out of sanctions until the inspectors reported.

During all the struggles of the inspectors in the 1990's we now know that Baghdad and Moscow were involved in many illicit transactions. Senior Iraqis, including Saddam acknowledged that they built relations with those who would help them. This included paying them as individuals and as a country. Russia challenged the inspectors, challenged their validity, and argued the Iraq case in the Council. Iraqis felt they got what they paid for.

All this played out from 1991 until 1998. We know now that Saddam had complied more completely than the inspectors could verify and certainly more than the US intelligence agencies later assessed in 2002.

The fact that Saddam ultimately revealed more of his WMD than we could verify is not success. That demonstrates that the dynamic still failed. To the credit of the Chairmen of UNSCOM, they did not give

reports that the Security Council wanted to hear unless the evidence supported them fully.

The system collapsed in December 1998. Saddam did not permit the return of inspections until after November of 2002--only after the upheaval of 9-11, the massive military build up to war, and, only after the Security Council unified again around the need for inspections.

The complexity of the current circumstances surrounding policy towards Iran goes far beyond their nuclear program. Committee members have a responsibility to look broadly in both the range of Iran actions and over the long haul.

I simply want to draw attention to the intricacies and the vulnerabilities of inspection systems. Too often in my experience, they served as a balancing entry for things the Security Council itself could not agree. In the event, the inspectors were subject to enormous political pressures. Indeed, the leadership positions of the inspector organization became politically sensitive. I can imagine the political machinations that will occur when current IAEA Director General Yukiya Amano's term expires in 2017.

Overall, I cannot imagine the circumstances in Iran playing out favorably for the inspection system. And I repeat, Tehran will have watched and learned from the Iraq experience.

From what has been revealed publicly, it does not seem that inspectors will have any more authority or access than the inspectors in Iraq. Indeed, they will have far less it seems.

Moreover, the power behind the inspectors is greatly reduced since sanctions remain *OFF* unless the inspectors report something negative. And, what will constitute a sufficiently negative report? Delayed access? Ambiguous data? Once commerce is flowing, it is generally understood, it will be very difficult to stop. Saddam knew this and worked this successfully through illicit trade. In the Iran case it will not even be illicit.

Further, unity in the Security Council is highly questionable. Moreover, I cannot imagine the Security Council delegating its decision authority to re-impose sanctions to the head of the IAEA. That would certainly make the position much more political. Any “snap-back” provision, while desirable in principle, may not be achievable in practice.

In the end, political leaders will make decisions about how to proceed with the Iran nuclear program and its other actions. I simply hope that there will not be false assumptions about inspection effectiveness. Illusions about the effectiveness should be dispelled. They will be messy at best, and provide false security at worst.

In the case of Iraq, it turned out that after 8 years of inspections Saddam had largely rid himself of militarily significant WMD capability. He did this to get out of sanctions. Often overlooked was that Saddam also acknowledged that he intended to reconstitute these programs when circumstances permitted, i.e. after he was free from sanctions. Saddam played a long game. That’s not something we are good at. We have a regular cycle of changing our leadership. Continuity between our leaders is inconsistent—indeed it is often challenged. Not so for regimes like Saddam’s in Iraq and the Supreme Leader in Iran.

Again, thank you for this opportunity to share some views from past experience.

Chairman ROYCE. Mr. Rademaker.

**STATEMENT OF THE HONORABLE STEPHEN G. RADEMAKER,
NATIONAL SECURITY ADVISOR, BIPARTISAN POLICY CENTER
(FORMER ASSISTANT SECRETARY, BUREAU OF ARMS
CONTROL & BUREAU OF INTERNATIONAL SECURITY AND
NONPROLIFERATION, U.S. DEPARTMENT OF STATE)**

Mr. RADEMAKER. Thank you, Mr. Chairman and Ranking Member Engel, members of the committee. I am very pleased to be back here testifying on this issue.

You may recall I testified in June of last year on the Joint Plan of Action so I welcome this opportunity to comment on development since that time in the negotiations with Iran.

I want to note at the outset that the subject of this hearing is verification. However, the invitation letter I received indicated, and I will just paraphrase this, but I was told that the committee will be particularly interested in my larger analysis of what this deal would mean for Iran's nuclear program, assuming it upholds the agreement.

So I am taking that as an invitation to not focus so much on verification issues. We have two bona fide experts here on the panel who, I think, can do that. I will talk more to the broader implications of the deal, and I have submitted a prepared statement which I will summarize.

But I want to note at the outset that I strongly agree with the opening statements that I heard from all the members—the chairman and ranking members—and I am very pleased to see that you are asking all the right questions.

The most important point I make in my prepared statement is that at a fundamental level what the deal that it appears is going to be reached between the P5+1 and Iran fundamentally signifies is acceptance by the international community of Iran as a nuclear weapons threshold state.

Now, let me just say that again. Fundamentally, this deal will represent acceptance of Iran as a nuclear weapons threshold state. Now, I am not saying they are going to—I am not saying we are accepting that they will have nuclear weapons. Because they are remaining a party to the NPT they have a legal obligation not to produce nuclear weapons.

But to use a football metaphor, what we are agreeing to here is that we are agreeing to a pathway, to a process. But at the end of that pathway—10 to 15 years—the football line—the football is going to be on the 1-inch line and, you know, they are that close to having a nuclear weapon and that is fundamentally what is being agreed here.

And, you know, this is a radical departure in U.S. nonproliferation policy because it has been the objective of the Clinton administration, the Bush administration and the Obama administration until now not just to deny Iran a nuclear weapon but also to prevent them from being a nuclear weapons threshold state because countries that are on the 1-inch line—that are that close to having a nuclear weapon—for all practical purposes in their international relations they have to be treated as if they did have a nuclear weapon because, you know, honestly, at any given moment they are

so close to having it—a screwdriver turn away—no one knows for sure that they don't have a nuclear weapon.

So they get the deference of a nuclear weapon state even without having demonstrably produced a nuclear weapon and that is essentially what is being conceded here at the end of this process.

So by any measure this is a huge retreat in U.S. policy and a big victory for Iran because, you know, for two decades they have been trying to get to this point and what they are being promised now is, after two decades of effort, in another 10 years they will have what they have long wanted.

Now, why are we doing this? Well, I think we have all heard the argument. The main argument made by the Obama administration is that this is a very good deal because it will increase Iran's nuclear weapons breakout time from 2 to 3 months today to 1 year.

And that is—you know, I think Mr. Albright and his group have raised some questions about whether that is really true but for purposes of my testimony I am assuming that is true and I will concede that that is an important accomplishment.

I mean, we are uncomfortable with Iran being able to produce a weapon—a nuclear weapon within 2 or 3 months and extending that to 1 year would be an important development.

The question I ask in my testimony is if that is an important victory for us today why does it stop being important in 10 years. You know, and let me be clear—what happens in 10 years is not that we revert to the status quo, that they go back to a 2-month or 3-month breakout time.

No. At the end of 10 years and especially after 15 years they are going to go back to a radically shorter breakout time than that and that is basically all locked in under this agreement.

And this isn't just my opinion. I mean, President Obama conceded this 2 weeks ago in a radio interview. I will just read what he said. He dismissed concerns that there—you know, of the type that Mr. Albright is raising about whether the 1-year breakout time is real.

But then he went on to say what is a more relevant fear would be that in year 13, 14, 15 they have advanced centrifuges that enrich uranium fairly rapidly and at that point the breakout times would have shrunk down almost to zero.

That is President Obama's characterization of the deal, and let me—let me stress he is talking about what happens after year 13. The way this deal is structured there are additional significant restrictions that remain in place until year 15.

So if at year 13 it is already almost down to zero for them to break out and produce a nuclear weapon it is even less than zero after year 15 when additional restrictions come off of their program.

So if anything else—if nothing else, President Obama was actually understating the effect of this deal ultimately on Iran's nuclear breakout time.

I think another point we have to understand about this breakout is that when they break out after year—you know, today when we are talking about nuclear breakout we are talking about how much time would they need to produce one weapon—one nuclear weapon.

After year 15, we are not going to be worried about one nuclear weapon. I mean, they will be on the 1-inch line for producing dozens of nuclear weapons—so, you know, an entire arsenal if they want and that is—that is the situation we are looking at.

In my testimony, I characterize this as a Faustian bargain because, you know, it is similar to the German legend about the man who, you know, wanted magical powers and so he cut a deal with the Devil where for 24 years he was given magical powers but at the end of 24 years he loses the powers and he loses his soul and spends—you know, faces a life of eternal damnation.

That is essentially what is being negotiated here. We get the benefit, good for 10 years, and at the end of that the other side gets everything that they have ever wanted and we lose the right to complain about it. We lose the right to reimpose sanctions.

If we try to change the terms of the deal, Iran will be in a position to accuse us of being the lawless nation, the nation that violates its international commitments.

Mr. Chairman, I see I am out of time. Let me just say, you know, I do make the point in my testimony that sometimes it makes sense to enter a Faustian bargain.

If you think—if you think the Devil is going to die before he is able to claim your soul or if you think he is going to be radically transformed then maybe it is a sensible thing to do.

And I served on the staff of this committee in the 1990s when the Clinton administration negotiated a nuclear deal with North Korea called the agreed framework, and they didn't advertise or they didn't make this argument publicly but I can tell you that the Clinton administration officials privately basically said, you know, don't worry about this being a Faustian bargain because haven't you—this is 1994—haven't you noticed what is going on in the world.

You know, communism is doomed. You just saw East and West Germany just reunified. So yes, we are promising all these benefits to North Korea but we are going to build nuclear reactors there and all these things. But, you know, in 15 years by the time we are done with these nuclear reactors North Korea is going to be long gone. These are going to be South Korean nuclear reactors.

And, you know, in 1994 that seemed like a fairly persuasive argument. Now, we know with the benefit of hindsight that it was wishful thinking.

I mean, the North Korean regime is still there. They are still pursuing nuclear weapons. The question I ask in my testimony is, you know, is there any reasonable basis to suspect that in 10 years the Iranian regime is going to be gone or radically transformed and I suggest that actually to the contrary there is every reason to think that this agreement strengthens the Iranian regime and makes it much easier for them to resist pressures to change.

And I, you know, go through some financial numbers. The amount of cash that Iran is to get at the outset of this deal and, you know, quickly thereafter—with your indulgence I will just read the numbers. And this is according to a Wall Street Journal story that appeared last Friday.

It says that the Obama administration estimates that implementation of the deal will give Iran access to \$100 billion to \$140 bil-

lion—billion U.S. dollars—in frozen funds in offshore accounts with \$30 billion to \$50 billion of that to be released immediately upon signature.

And, now, understand the Iranian Government budget this year is about \$300 billion, okay, so they are being offered \$100 billion to \$140 billion, \$30 billion to \$50 billion of that immediately.

Now, to put that in perspective let us—you know, relative—let us look at what that would mean if—you know, if it were not Iran but the United States. The U.S. budget in—the Federal budget this year is \$3.9 trillion.

So if we were being offered an equivalent amount of cash it would be for the United States between \$1.3 trillion and \$1.8 trillion with \$390 billion to \$650 billion of that to be provided immediately upon signature.

So, you know, the question I ask in my testimony is if the United States Government were being offered, roughly, \$1½ trillion and \$390 billion to \$650 billion of that immediately, how much pressure would we feel to scale back our international commitments to reduce our defense spending? How much pressure would we feel to implement, you know, political reforms?

Or would we feel like hey, we are in a much better position to continue doing business the way we wanted to do business. And, you know, and I am talking here just about the cash dimension, which is actually the less important dimension.

[The prepared statement of Mr. Rademaker follows:]

STATEMENT OF STEPHEN G. RADEMAKER
National Security Project Advisor, Bipartisan Policy Center
Principal, The Podesta Group

“Nuclear Agreement with Iran: Can’t Trust, Can We Verify?”
Committee on Foreign Affairs
U.S. House of Representatives
April 22, 2015

Chairman Royce, Ranking Member Engel, Members of the Committee, I am pleased to appear again before you today to present my views on the emerging nuclear agreement with Iran. When I last testified before you on this subject on June 10th of last year, I began by commending you and all the members of this Committee, past and present, for the extraordinary leadership you have provided on the issue of Iran’s nuclear weapons program, not just over the last two or three years, but over the last two or three decades. The efforts you have undertaken since the Joint Comprehensive Plan of Action (JCPOA) was announced on April 2nd demonstrate your continued engagement. I again thank you for your determination to ensure that any agreement with Iran serves the interests of the United States and advances the cause of international peace and security.

The JCPOA is not, of course, a final agreement. But the details that have emerged give us a reasonably good understanding of what the final agreement will look like. And while certainly the bargain will have some positive features, there should be no misunderstanding about its overall significance. ***This deal will represent acceptance by the international community of Iran as a nuclear weapons threshold state.***

By “nuclear weapons threshold state,” I do not mean that we’re accepting that Iran will have nuclear weapons, but we are accepting that, after ten years or so, Iran will have the ability to produce nuclear weapons in very short order, within a matter of weeks, or perhaps even days. This is important because countries that are able to produce nuclear weapons virtually overnight have to be treated by the rest of the world as if they already have nuclear weapons, because at any given moment, no one knows for sure that they don’t. Such countries may not have nuclear weapons today, but they are so close to having them that they nevertheless are able to engage in nuclear intimidation of others. Consequently, those who feel intimidated will be sorely tempted to develop nuclear options of their own, potentially giving rise to the very cascade of nuclear proliferation in the Middle East that experts have long predicted would occur if Iran’s nuclear ambitions were not restrained.

And by “accepting,” I mean that the United States is abandoning the policy pursued for more than twenty years by the Clinton, Bush, and, until now, Obama Administrations, to make sure Iran neither had nuclear weapons nor was on the threshold of producing them. We are

committing to drop our nuclear-related sanctions, accept the legitimacy of the nuclear program that is affording Iran this capability, and even to support future international transfers of equipment and technology to that program.

By any measure, this is a huge retreat in U.S. nonproliferation policy, and a big victory for Iran in its decades-long quest to gain acceptance of its nuclear program.

A Faustian Bargain

Why would we relent in our longstanding policy of seeking to ensure that Iran is not on the threshold of producing nuclear weapons? Fundamentally, according to the Obama Administration, it is because this deal will increase Iran's nuclear weapons break-out time from two or three months today to at least one year. I understand that there is some disagreement among experts whether this is really true, but for purposes of my testimony today I will assume that it is true. And if true, this is good news, because it means that Iran will be significantly further away from being able to produce its first nuclear weapon than it is today.

Like virtually all the other claims made about this deal, however, one needs to add to this claim the caveat that the agreement will do this only for the next 10 to 15 years. And if it's very important today to extend Iran's breakout time to one year, it's fair to ask why that will stop being important after 10 years.

Further, we have to recognize that beginning after 10 years, Iran's breakout time will not just revert back to two or three months, but to a significantly shorter period than that.

This is not just my opinion. Even President Obama concedes this. Two weeks ago in an interview with NPR, he dismissed allegations that the agreement would not effectively extend Iran's breakout time during its initial phase, and went on to say:

What is a more relevant fear would be that in Year 13, 14, 15, they have advanced centrifuges that enrich uranium fairly rapidly, and at that point, the breakout times would have shrunk almost down to zero.

If anything, President Obama's remarks understate the long-term implications of this deal for Iran's ability to break out of the Nuclear Nonproliferation Treaty. He seems to be speaking here only about the effect of two features of the agreement on Iran's breakout time by about the 13th year. These two features are the deployment of additional centrifuges at Natanz, which will be permitted after 10 years, and advances in Iranian centrifuge technology—something the agreement permits Iran to perfect during the first 10 years of the agreement, and to begin deploying after 10 years.

Significantly, Iran will remain subject to a number of other restrictions on its enrichment program through the 15th year of the agreement. For example, through the 15th year Iran will be forbidden to enrich above 3.67 percent, to possess a stockpile of low enriched uranium greater

than 300 kg. to enrich uranium at Fordow,¹ or to build any new enrichment facilities. After the 15th year, all of these restrictions will come off.

So if beginning by about the 13th year Iran's breakout time will have "shrunk down almost to zero" due solely to the capabilities of the centrifuges it will be permitted to have at Natanz, one can only imagine what Iran will be able to do once these other restrictions come off following year 15. Beyond reducing Iran's breakout time to the vanishing point, it is clear that Iranian breakout scenarios will no longer be about Iran potentially producing one or two nuclear weapons, but about producing an entire arsenal of nuclear weapons in very short order, should Iran wish to do so.

Also, it is important to stress that under this agreement, America will be deciding now to accept possession by Iran of these capabilities after 10 years, no matter what kind of government is in power in Tehran after the restrictions on Iran begin to expire. We are committing now not only to end our nuclear sanctions on Iran and not re-impose them so long as Iran complies with the agreement, but also apparently to facilitate the international transfer of nuclear equipment and technology to Iran's nuclear program.² Should America determine after 10 years that it would be dangerous for the government then in power in Tehran to possess these capabilities, the option of reneging on the deal will be fraught with risk. Should the United States do that, Iran will be fully justified in accusing our nation of violating its solemn international commitments, absent some Iranian violation of the agreement that we can point to justifying our action. Iran will be the aggrieved party, not the United States.

For these reasons, the emerging agreement appears to be a classic Faustian bargain. In German legend, Faust was a man who sold his soul to the devil in exchange for a grant of magical powers for 24 years. That essentially is the deal that is being offered here. We are being offered gratification in the short term—a one-year breakout period that may enable us to rest a little easier for the next 10 years. But after that, the short-term benefit goes away, and Iran gets everything it has ever wanted from us with respect to its nuclear program.

Implications for Iran

Typically the term Faustian bargain is used to describe a shortsighted decision. But there is one circumstance where striking a Faustian bargain may not be shortsighted, and that is where

¹ Iran will also be forbidden to possess any fissile material at Fordow through year 15 of the agreement, clearly implying that following year 15 Iran may possess such material at Fordow. Fissile material is, by definition, nuclear material that could be used to build a nuclear weapon.

² While not mentioned in the State Department fact sheet describing the JCPOA, the Iranian fact sheet states "International nuclear cooperation with the Islamic Republic of Iran, including with members of the P5+1, will be possible and enhanced in the fields of constructing nuclear power plants, research reactors, nuclear fusion, stable isotopes, nuclear safety, nuclear medicine and agriculture, etc. . . . Iran will also be provided access to the global market and the international trade, finance, technical knowledge and energy sectors."

there is a reasonable expectation that the devil will die, or at least be transformed, before the short term benefit we're seeking expires and we have to hand over our soul. I can recall another Faustian bargain in the nuclear nonproliferation area that was quietly sold to Congress on those terms.

In 1994, the Clinton Administration negotiated the so-called Agreed Framework with North Korea in an effort to shut down that country's nuclear weapons program. The basic bargain there was that we promised to give North Korea two highly advanced light water nuclear reactors if they would eliminate the one, much more primitive reactor they were using to produce plutonium for nuclear weapons. There were debates among experts about how hard it would be for North Korea to extract plutonium from the two reactors we were to give them, but it was unquestionable that the two reactors were capable of producing more plutonium than the one reactor North Korea was to give up. So this was manifestly a bad deal in the long term.

But working on the staff of this Committee at the time, I recall Clinton Administration officials privately making what then seemed like a very persuasive argument in favor of the Agreed Framework. "Don't you get it," they would say, "it will take us at least 15 years to complete the first of these nuclear reactors; by the time we get to that point, the North Korean regime will be long gone. What we're really buying here is time."

In 1994, less than three years after the collapse of the Soviet Union and the Warsaw Pact, and just five years after the Tienanmen Square protests, this was not an implausible argument. Of course, with the benefit of hindsight, we know today that it was wishful thinking. The North Korean regime is still with us more than twenty years later, isn't tottering any more today than it was in 1994, and is still doggedly pursuing nuclear weapons. We can be grateful that, by getting caught cheating on the Agreed Framework, North Korea saved us from having to deliver the two nuclear reactors that had been promised to them.

Applying this experience to Iran, we need to ask, is there a reasonable expectation that the current Iranian regime is likely to be gone in 10 years, or at least have moderated its behavior? All indications are to the contrary. Today Iran is already riding high within the region, notwithstanding two decades of Western sanctions and extremely low oil prices.

In economic terms, this deal offers Iran a huge shot in the arm. According to a Wall Street Journal report last week, the Obama Administration estimates that implementation of the deal will give Iran access to \$100-140 billion in frozen funds in offshore accounts, with \$30-50 billion of that to be released immediately upon signature. This compares to a government budget in Iran this year of roughly \$300 billion.

To put these numbers in perspective, offering Iran \$100-140 billion in cash is the equivalent of offering the United States, with our \$3.9 trillion government budget in 2015, a total of \$1.3-1.8 trillion in cash, with \$390-650 billion of that to be delivered immediately. If someone were about to that much cash available to our government, how much pressure would

we feel to scale back our international commitments and reduce defense spending? How worried would we be about our ability to satisfy pent-up demands for social services? Would we think that we urgently needed to reform our political system, or that we were now in a much better position to withstand calls for reform?

And this is just the cash portion of what is being offered to Iran. The additional government revenue that they can expect from new foreign investment and trade over the next ten years due to the end of sanctions is likely to be even more significant than the cash they will receive up front.

I do not pretend to be an expert on Iranian politics. But the economics of this deal suggest to me that we are about to diminish the prospects for transformation in Iran rather than enhance them.

Implications for the Nuclear Nonproliferation Regime

One aspect of this deal that especially concerns me is the likely effect on global efforts to combat nuclear weapons proliferation. As you know, this has been one of the top foreign policy priorities of the United States in recent decades, and is something we see as critical not only to stability in volatile regions such as the Middle East, but also to protecting the security of our homeland, given the risk of nuclear terrorism.

One lesson that we have learned from Iran and North Korea is that a key to stemming nuclear weapons proliferation is denying potential proliferators access to the sensitive technologies that can be used to produce fissile materials—most importantly, the technologies to enrich uranium and to reprocess spent nuclear fuel to obtain plutonium. Both the current Administration and the last one have invested considerable effort in seeking to limit the spread of these technologies. They even persuaded some governments—the United Arab Emirates and Taiwan—to permanently forswear the possession of these technologies.

In this deal, however, the United States is approving the possession by Iran of a limited enrichment capability for the next ten years, and an extremely robust enrichment capability thereafter. If the United States is prepared to concede this capability to Iran, what country are we going to deny it to? Especially when it comes to close allies of the United States, how will we explain to them that uranium enrichment technology is so sensitive that we only trust Iran with it, and couldn't possibly allow them to have it?

This is not a hypothetical concern. Senior Saudi officials have already stated publicly that they intend to match whatever nuclear capabilities we concede to Iran in this deal. And Saudi Arabia is hardly the only country in the Middle East that is worried about Iran's growing nuclear capabilities. How will American officials talk these countries out of following in Iran's footsteps to achieve a hedge against Iran's newly accepted status as a nuclear weapons threshold state?

No doubt there will be talk of extending America's nuclear umbrella over our friends in the region, with the suggestion that they don't need their own nuclear breakout capability because they can count on American resolve and American nuclear weapons to defend them. This will be an odd offer coming from a President who has pledged to reduce the role of nuclear weapons in international security, but presumably the Administration will find this preferable to standing aside while nuclear weapons infrastructures proliferate in the region. Also, when we extended nuclear guarantees to our allies in Europe, Japan, and Korea, we found that to make the guarantees credible we needed to both build up our nuclear forces, and station American personnel on the ground in these countries to serve as human tripwires in the event of conflict. Similar steps may also prove necessary for such a strategy to have a chance of succeeding in the Middle East. The cost of such steps needs to be counted among the potential costs of this deal.

Even if we are prepared to take these kinds of steps, there is every chance that one or more countries in the region will say "thanks, but we really would rather have our own enrichment capability to match Iran's." How do we respond to that? The practical answer is that we don't. Having conceded such a capability to Iran, ultimately we are not going to be able to deny it to any other country determined to have it, whether in the Middle East or elsewhere.

Concluding Recommendations

Before closing, I want to offer two additional recommendations.

First, while I have grave doubts about the verification mechanism that is likely to be negotiated to monitor implementation of this agreement, it is important to do everything we can to ensure that the mechanism functions as effectively as possible. In that regard, it is essential that the International Atomic Energy Agency have adequate resources to fulfill its verification responsibilities. Congress needs to work with the Executive branch to ensure that those resources are made available.

Second, I strongly support the principle of congressional review and approval of whatever agreement is finally negotiated with Iran. Your colleagues in the Senate deserve great credit for working in a bipartisan fashion to develop legislation providing for congressional oversight. There is no reason why, if logic supports the final deal, the President will be unable to persuade a majority of the members of both houses of Congress to vote in favor of it. But if the President brings back a deal that cannot command majority support in Congress, it would be most regrettable for him to seek to move forward on the strength of his veto pen alone, not least because that would likely put our nation on a path to diplomatic failure.

I will conclude my remarks here and invite your questions.

Chairman ROYCE. Well, we are going to go to Mr. Albright. But on that cash dimension, what they are doing with that signing bonus in today's Wall Street Journal tens of millions of dollars to—Iran's Revolutionary Guards are transferring tens of millions of dollars this week to the—to the Hamas brigades.

So but anyway, Mr. Albright.

STATEMENT OF MR. DAVID ALBRIGHT, FOUNDER AND PRESIDENT, INSTITUTE FOR SCIENCE AND INTERNATIONAL SECURITY

Mr. ALBRIGHT. Thank you, Mr. Chairman, Ranking Member Engel and other members of the committee. I appreciate the opportunity to testify today.

I think Steve has outlined a future that is fairly bleak and I would like to return to that, if not at the end of my testimony during the question period.

Most of the points I would like to—will make have essentially been made before. I mean, I think the—many of the key verification provisions remain unresolved. I mean, the parameters have been set but the details matter and there is great differences between Iran and the United States and its partners.

And more important, I think the Iranians have taken the position to be extremely defiant and the United States has taken the position of problem solving, and I think that has put us at a disadvantage and it doesn't bode well for finding solutions that are, in a sense, gain the needed measures.

Now, where Iran has been a problem some of these things have been pointed out—refusing to allow the IAEA inspectors into military sites, not resolving the IAEA's concerns about Iran's past work on nuclear weapons through 2004 and possible work afterwards.

It has refused to stop illicit procurements for its nuclear programs. I know of at least one procurement since the JPA was implemented for the Iraq reactor that was attempted. I am told my U.S. investigatory officials there have been others.

Iran is resisting U.N. Security Council mandate controls over the procurement channel, which is an important concession that has been gained. But here is an example where the details matter.

Most of us think of the procurement channel run out of the United States or the U.N. Security Council with IAEA monitoring active verification of the end use of any goods that goes to the nuclear program.

Iran prefers a much different method, and at this point in time which method would be used is unresolved. And as others have mentioned, Iran is refusing anywhere anytime inspections.

And I think the—at this point in time the United States is going to have to take steps to significantly strengthen this deal and end up with the provisions meeting the U.S. conditions if this deal is to be verifiable.

And as I have mentioned, others have mentioned, there are legitimate concerns that the U.S. administration will not succeed and that concern certainly justifies Congress' continuing strong involvement in the creation of this agreement.

There needs to be oversight on those conditions and I feel that the—what I have heard the United States administration is more

willing to share what is going on in this deal with Members of Congress, and I don't just mean ranking members and chairman but a broader set of members and their staff so that people can see the details and be able to react to those details.

Now, from my organization's point of view, there is certain conditions that are more important than others and I think members of this committee share this.

I personally think that resolving the IAEA's concerns about past and possibly ongoing nuclear weapons research and development work is critically important and to have concrete progress on that prior to any key relief of economic and financial sanctions by the United States or the EU—that there are many other conditions that also have to be met such as reducing the number of centrifuges but concrete progress in this area is necessary.

And what would concrete progress look like? Certainly, IAEA access to Parchin. But people should think of Parchin as a list of activities. It is not just a single visit. It is being able to see the equipment associated with the site. It is being able to visit the company that made this controversial high explosive chamber—did it make other chambers. It is the ability to have access to the people involved in these experiments and I would argue all of this needs to happen before the key sanctions are lifted.

Moreover, I think there needs to be time for IAEA to make an initial determination of whether Iran had a nuclear weapons program or not. I mean, the IAEA has said it plans to do that.

I think it should be done before the sanctions are relieved. Another vital area is this question of proliferation of sensitive goods.

From my own point of view. I would like to see the U.N. Security Council resolution stay in force until the IAEA has made a determination that Iran's program is indeed peaceful. That is not a short process, particularly under the additional protocol to make that determination.

But, personally, I think that is the way it should be. The framework envisions perhaps the Security Council resolutions coming off quicker but a new resolution being established that would then control these proliferation-sensitive goods.

Whether that is adequate or not I don't know. Part of it rests on a list of goods that would be provided to Iran that represent the ones that are explicitly controlled. Is that list good enough? Our initial indications are that list is not sufficient and needs to be, in a sense, longer in order for it to be effective.

Also would like to see Iran commit to not conduct illicit nuclear trade. President Rouhani himself has said they are proud of smuggling. Never heard a President of a country ever say that. They will continue their illicit procurement patterns.

Without a commitment on the nuclear, at least, it is hard to see that they are committing to a verifiable regime. And then again, let me just end that the additional inspection provisions are critical.

Now, anytime inspections are theoretically impossible and what Charles Duelfer described in Iraq could never—probably never be obtained. But what is envisioned by Iran is completely unacceptable. Even what is in the additional protocol is not enough.

You have got to have prompt access and the administration has some proposals. Iran has not accepted those and I think the administration needs to be pushed to have even more prompt inspections and certainly they need to be pushed to press Iran to accept anywhere inspections. That, as several members have pointed out, is not the case today and Iran has said it has no intention to do that.

The last thing I would like to say is that this deal, and I believe it probably will happen, is going to be very tough to implement and I would argue one of the problems with the agreed framework negotiated with North Korea in the '90s, as Steve mentioned, is that the administration kind of didn't do very much on implementation and Congress mostly focused on some of the budgetary issues and some of the compliance issues.

But the—but there wasn't active work to ensure that the deal was implemented and compliance was obtained and/or punished if it wasn't going to happen.

So I would argue that Congress will have a continuing role and will need to have a very important role in monitoring the effectiveness of this deal both in the short term and in the long term.

Thank you.

[The prepared statement of Mr. Albright follows:]

Adequate Verification Under a Comprehensive Iran Nuclear Deal

Testimony Before the House Committee on Foreign Affairs

April 22, 2015

**By
David Albright
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With the negotiation of a set of parameters for an eventual Joint Comprehensive Plan of Action, the shape of a final deal between Iran and the P5+1 group of countries (the United States, Britain, France, Germany, Russia, and China) has emerged. However, many important provisions of a final deal remain to be negotiated in the coming months. A critical set of these provisions involves the adequacy of verification arrangements that would be in place to monitor Iran's compliance with a deal. Much of this verification effort will be overseen by the International Atomic Energy Agency (IAEA). The United States has recognized that the current verification arrangements in Iran, namely a comprehensive safeguards agreement (CSA), even if supplemented by the Additional Protocol, are not sufficient in the case of the Islamic Republic of Iran. Tehran's long history of violations, subterfuge, and non-cooperation require extraordinary arrangements to ensure that Iran's nuclear program is indeed peaceful. A priority of the on-going negotiations is establishing legally binding measures guaranteeing this adequate verification.

On a separate but linked negotiating track, Iran and the IAEA have been working in a step-wise approach to address the IAEA's concerns about Iran's alleged past and possibly on-going work on nuclear weapons development and other possible military dimensions (PMD) of Iran's nuclear program. However, this IAEA/Iran track has gone poorly, and Iran has shown increasingly an unwillingness to address the IAEA's concerns, asserting disingenuously that it never had a nuclear weapons program. It continues to dissemble and stonewall the inspectors and apparently remains committed to severely weakening IAEA safeguards and verification in general, actions inconsistent with achieving adequate verification under a comprehensive plan. Recently, Iranian officials have asserted that the IAEA will never be allowed to visit military sites in Iran. Without a fundamental shift in Iran's views on safeguards and verification, the prospect of obtaining adequate verification measures fades.

Adequate verification is critical to a long-term deal in terms of verifying activities at declared nuclear sites and more importantly ensuring the absence of undeclared nuclear material and facilities. Although the interim deal under the Joint Plan of Action (JPA) strengthened the monitoring of declared sites, it did little to increase the IAEA's ability to detect and find covert

sites and activities. Inspectors have regularly reported in quarterly safeguards reports on Iran that the IAEA is not in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear material in Iran is used for peaceful activities.

Whether this situation changes will largely depend on the ability of the United States and its partners to create a comprehensive plan that establishes legally binding conditions on Iran that go beyond those in the comprehensive safeguards agreement and the Additional Protocol. A critical question will be whether the agreement establishes a verification regime adequate to promptly catch Iranian cheating. The U.S. Fact Sheet and subsequent briefings I received on the parameters of a comprehensive plan show that a considerable amount of work remains in the area of verification.

Recent Iranian statements disagreeing with verification provisions in the U.S. Fact Sheet raise the question of whether the U.S. negotiators have tried to oversell what has been agreed to. Iran's public disagreements with the text could reflect also spin for domestic consumption, but more concerning, they could be attempts to create a predicate to renegotiate certain key parameters agreed to in Lausanne. U.S. officials have stated that everything in the U.S. Fact Sheet was agreed "in the room," meaning that Iran agreed to all these parameters during the negotiations in Lausanne. If one assumes that the U.S. version is accurate, the U.S. Fact Sheet combined with briefings from officials shows that key verification arrangements remain unresolved, particularly those related to PMD issues and those that supplement the Additional Protocol. In fact, there are enough verification provisions unsettled that we at my organization cannot make a judgment about their adequacy without further progress in the negotiations.

But the need for these additional provisions remains clear and U.S. negotiators should be held to a high standard in achieving these adequate verification provisions. There are many reasons why an agreement must require extraordinary verification arrangements. The most critical reasons are Iran's violations of its safeguards agreement, actions which have been inconsistent with that agreement and a peaceful nuclear program, and its long history of non-cooperation with the IAEA. Examples include:

- The IAEA found that Iran had violated its comprehensive safeguards agreement prior to 2004 on multiple occasions, including, to name a few, importing natural uranium without notifying the IAEA, enriching uranium to test centrifuges, experimenting with plutonium separation and laser enrichment, and allegedly carrying out weaponization experiments, possibly including nuclear material. (See appendix 1).
- Iran built several nuclear facilities in secret, including the Natanz centrifuge plant, the Fordow centrifuge plant, the Kalaye Electric centrifuge research and development site, the Physics Research Center at Lavisan-Shian linked to undeclared military nuclear work, the Lashkar Ab'ad laser enrichment facility, and the Arak heavy water production plant. In addition, Iran created a secret centrifuge manufacturing complex, parts of which are still secret today.
- Iran has depended extensively on illegal overseas procurement for its nuclear programs in violation of national laws and UN Security Council resolutions; at least one illegal

procurement for the Arak reactor complex was attempted after the JPA went into effect (although not a violation of the JPA, it violated UNSC resolutions). (See Appendix 2).

- Iran unilaterally stopped implementing Code 3.1 of its CSA in 2006, an act the IAEA called inconsistent with its safeguards agreement. Code 3.1 of the subsidiary arrangement of the safeguards agreement requires a state to declare a nuclear site when it authorizes or starts to design a nuclear facility and to submit design information as work proceeds.
- Iran has not allowed the IAEA to visit a site at the Parchin military complex or other sites associated with past work on nuclear weapons research and development and other military nuclear activities.
- Iran has delayed inspectors' access to sites and extensively modified buildings or the sites themselves in apparent efforts to thwart IAEA verification methods which aim to detect undeclared activities and facilities. Iran attempted to prevent these methods from succeeding in 2003 at the Kalaye Electric centrifuge research and development site but was caught; its efforts at sanitization and concealment succeeded at the Lavisan-Shian site, which it bulldozed and rebuilt into an athletic facility after suspicion was raised that it was allegedly involved in military nuclear work; Iran's efforts may yet succeed to conceal from environmental sampling and other verification techniques any past work at the Parchin site where high explosive tests related to nuclear weaponization may have been conducted.
- Iran has stonewalled the IAEA's efforts to resolve its concerns about the possible military dimensions of its nuclear programs. (See Appendix 3).

Iran has in general been in compliance with the conditions of the JPA. However, it enriched in the IR-5 centrifuge, an act inconsistent with its JPA undertakings.¹ When confronted by the United States, Iran quickly backed down and even took additional steps to increase confidence that enrichment in this centrifuge would not happen again. However, Iran has not shown a willingness to back down on more fundamental issues, such as resolving the IAEA's PMD concerns, halting its illicit nuclear procurements, and fully cooperating with the IAEA. On less important issues, Iran is more cooperative but on the difficult ones, its record remains problematic.

Iran has carried out unprecedented violations, both in the length and depth of these violations, and has been non-cooperative with the IAEA and UN Security Council. There is a significant confidence deficit between Iran and much of the international community. As a result, verification conditions in a comprehensive plan will likewise need to be rigorous, unprecedented, and long lasting. This time frame should be sufficient for the IAEA to achieve full confidence in the absence of undeclared Iranian nuclear materials and facilities and in the peaceful nature of Iran's nuclear programs.

¹ After enrichment and measurement of enrichment level was achieved, the enriched material and depleted uranium was mixed together, becoming natural uranium.

Several measures are needed to ensure adequate verification in a long term deal²:

- 1) Iran addressing the IAEA's concerns about Iran's past and possibly on-going nuclear weapons work. If no concrete progress is forthcoming by July 1, a deal should not be signed. If Iran in good faith asks to delay demonstrating concrete progress until after a deal is signed, it should not receive any sanctions relief from the United States and European Union until it fulfills this commitment, along with providing a road map on resolving the rest of the IAEA's PMD concerns. IAEA visits to Parchin and related sites, inspection of related equipment, and access to key individuals should be part of the demonstration of concrete progress as one of the key conditions for suspending EU and U.S. economic and financial sanctions.
- 2) The removal of UN Security Council resolutions should be tied to the long term resolution of the PMD file, a determination by the IAEA of the exclusively peaceful nature of Iran's nuclear program, and the demonstration of adequate verification arrangements on Iran's industrial infrastructure, both military and civilian, related to the potential development of nuclear weapons.
- 3) UNSC sanctions or controls on proliferation sensitive goods need to continue indefinitely. These controls, along with a rigorously verified procurement channel, are a fundamental part of ensuring that Iran is not secretly outfitting undeclared nuclear facilities and activities.
- 4) Establishment of binding language guaranteeing the IAEA snap inspections, or anywhere, anytime inspections, and broader Iranian declarations about its activities than required in the Additional Protocol, lasting for longer than the reported term of a deal, at least until the IAEA has satisfactorily concluded its PMD investigation and several more years have passed wherein Iran is compliant with its Nuclear Non-Proliferation Treaty (NPT) obligations.

The evaluation of the adequacy of verification provisions remains a critical role of Congress. Toward that end, it makes sense for the P5+1 countries, along with the IAEA, and separately, Congress, to create a strong review process of the adequacy of the verification regime at one year, five years, and every five years afterwards for the duration of the major phasing arrangements in the deal.

Measures 1-4 are detailed further:

1) Achieve Concrete Progress in Resolving Concerns about Iran's Past and Possibly Ongoing Nuclear Weapons Efforts Prior to U.S./EU Sanctions Suspension

The U.S. Fact Sheet currently lacks much specificity regarding Iran's obligation to resolve in a significant and concrete manner the IAEA's concerns about its past and possibly ongoing work

² For a more detailed discussion, see ISIS's critique of the Framework deal: Albright et al., "P5+1/Iran Framework: Needs Strengthening," ISIS Report, April 11, 2015, http://isis-online.org/uploads/isis-reports/documents/Assessment_of_Iran_Nuclear_Framework_April_11_2015-final.pdf

on nuclear weapons, or the possible military dimensions (PMD). Strict conditions must be added that the suspension of U.S. and European Union nuclear-related sanctions requires that Iran takes concrete steps to address the PMD file. Iran will need to take additional nuclear-related steps prior to the suspension of these sanctions but the PMD conditions need to be emphasized. Moreover, UNSC sanctions would only be removed once Iran the IAEA makes a determination that it has fully resolved the PMD file and come to a “broader conclusion” about the peacefulness of Iran’s nuclear program (described also in Measure 2).

There is also a future dimension to the PMD issue that needs to be incorporated into a deal. Given Iran’s past transgressions, a comprehensive plan has to provide assurance that those industries, both civil and military, associated with activities that can be used in the researching and development of nuclear weapons are subject to verification. On-going access to military sites will be required to meet these provisions. Moreover, Iran will need to declare its past procurements of key goods associated with nuclear weapons R&D and its future procurements of such goods, if allowed (see Measure 2 as well).

Achieving adequate verification provisions in a comprehensive plan is far from settled. Despite a great effort over the last year and half, the IAEA has learned little from Iran that has added to the inspectors’ ability to resolve its concern about Iran’s past and possibly on-going work on nuclear weapons research and development. For years, the inspectors have unsuccessfully asked the Islamic Republic to address the substantial body of evidence that it was developing nuclear weapons prior to 2004 and that it may have continued some of that, or related work, afterwards and even up to the present. As one condition for suspending U.S. and EU sanctions, Iran must demonstrate concrete progress on the central issue of whether Iran has worked on nuclear weapons and is maintaining a capability to revive such efforts in the future. A deal also needs to lay out a road map of how and when Iran will address the IAEA’s remaining PMD concerns and receive no UNSC sanctions relief until it resolves them.

Supreme Leader Ali Khamenei often declares that nuclear weapons violate Islamic strictures. His denials are not credible. The United States, its main European allies, and most importantly the IAEA itself, assess that Iran had a sizable nuclear weapons program into 2003. The U.S. intelligence community in the 2007 National Intelligence Estimate (NIE) agreed: “We assess with high confidence that until fall 2003, Iranian military entities were working under government direction to develop nuclear weapons.” European governments and the IAEA have made clear, the United States less so, that they believe Iran’s nuclear weapons development may have continued after 2003, albeit in a less structured manner. In its November 2011 safeguards report, the IAEA provided evidence of Iran’s pre- and post-2003 nuclear weaponization efforts. The IAEA found, “There are also indications that some activities relevant to the development of a nuclear explosive device continued after 2003, and that some may still be ongoing.”³ To reinforce this point to Iran, the United States in late August sanctioned Iran’s Organization of Defensive Innovation and Research (SPND), headed by Mohsen Fakrizadeh, the suspected military head of the nuclear weapons program in the early 2000s and perhaps today. SPND is a Tehran-based entity established in early 2011 that is “primarily responsible for research in the

³ IAEA Director General, *Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran*, GOV/2011/65, November 8, 2011, Para. 45. http://isis-online.org/uploads/isis-reports/documents/IAEA_Iran_8Nov2011.pdf

field of nuclear weapons development.”⁴ Thus, there is widespread evidence and suggestion that Iran has worked on developing nuclear weapons and that some of those activities may have continued to today.

Despite the overwhelming evidence, Iran denies it has ever worked on nuclear weapons. Its intransigence on this issue makes progress in the negotiations difficult to predict.

Some argue that Iran should not have to confess its past; its face should be saved, they argue. However, making this determination should not be the role of U.S. negotiators. The power to make a determination about Iran’s past or ongoing military nuclear work resides with the IAEA and the U.S. negotiators, and a final comprehensive plan, should support the fundamental role of the IAEA to make this determination in a timely manner. Lack of adequate cooperation by Iran with the IAEA’s effort should be judged a material breach of any deal.

Moreover, turning a blind eye to the past emboldens Iran to further resist the IAEA and necessary verification arrangements, ultimately threatening the viability of any deal. If Iran is allowed to “save face” and not address the IAEA’s PMD file, it will ultimately be given the ability to maintain the remnants or continued efforts of this military nuclear work, hidden from inspectors and the international community.

Addressing the IAEA’s concerns about the military dimensions of Iran’s nuclear programs is fundamental to any long-term agreement. Although much of the debate about an agreement with Iran has rightly focused on Tehran’s uranium enrichment and plutonium production capabilities, an agreement that side steps the military issues would risk being unverifiable. Moreover, the world would not be so concerned if Iran had never conducted weaponization activities aimed at building a nuclear weapon. After all, Japan has enrichment activities but this program is not regarded with suspicion. The establishment of Iran’s peaceful intentions, resting on solid verification procedures, is critical to a serious agreement.

A prerequisite for a comprehensive agreement is for the IAEA to know when Iran sought nuclear weapons, how far it got, what types it sought to develop, and how and where it did this work. Was this weapons capability just put on the shelf, waiting to be quickly restarted? The IAEA needs a good baseline of Iran’s military nuclear activities, including the manufacturing of equipment for the program and any weaponization related studies, equipment, and locations. The IAEA needs this information to design a verification regime. Moreover, to develop

⁴U.S. State Department. “Additional Sanctions Imposed by the Department of State Targeting Iranian Proliferators.” Media Note, Office of the Spokesperson, Washington, DC, August 29, 2014.

<http://www.state.gov/r/pa/prs/ps/2014/231159.htm> The media note states:

“SPND was established in February 2011 by the UN-sanctioned individual Mohsen Fakhri-zadeh, who for many years has managed activities useful in the development of a nuclear explosive device. Fakhri-zadeh led such efforts in the late 1990s or early 2000s, under the auspices of the AMAD Plan, the MODAFI subsidiary Section for Advanced Development Applications and Technologies (SADAT) and Malek Ashtar University of Technology (MUT). In February 2011, Fakhri-zadeh left MUT to establish SPND. Fakhri-zadeh was designated in UNSCR 1747 (2007) and by the United States in July 2008 for his involvement in Iran’s proscribed WMD activities. SPND took over some of the activities related to Iran’s undeclared nuclear program that had previously been carried out by Iran’s Physics Research Center, the AMAD Plan, MUT, and SADAT.”

confidence in the absence of these activities—a central mission—the IAEA will need to periodically inspect these sites and interview key individuals for years to come. Without information about past military nuclear work, it cannot know where to go and who to speak to.

The situation today makes it impossible for the IAEA to determine with confidence that nuclear weapons activities are not on-going. The IAEA already has the legal right to pursue these questions, including accessing military sites, under the comprehensive safeguards agreement with Iran. Despite this right, Iran has refused to allow the IAEA access to military sites. Early in the JPA negotiations, according to U.S. officials involved in the negotiations, Iranian negotiators said that the Iran Revolutionary Guard Corps would not allow the IAEA access to its military sites. Of course, this demand is unacceptable. Nevertheless, because of Iran's refusal to abide by its safeguards obligations, a long term deal needs to include clear, legally enforceable conditions allowing the IAEA prompt access to military sites where suspicious activities have been detected or reported. The U.S. Fact Sheet is ambiguous on whether Iran has agreed to allow access to all suspect sites anywhere in Iran.⁵ Iranian officials state that they have not agreed to this condition. How this issue is resolved will be a strong indicator whether verification is adequate in a comprehensive plan.

One important test of this issue is when and under what conditions the IAEA gains access to a site at the Parchin military complex. This site is the alleged location of high-explosive testing linked to nuclear weapons development prior to 2004. Since the IAEA asked to visit this site in early 2012, Iran has reconstructed much of it, making IAEA verification efforts all but impossible. Tehran has undertaken at this site what looks to most observers as a blatant effort to defeat IAEA verification. Because of such extensive modifications, the IAEA, once allowed access, may not be able to resolve all its concerns. Undoubtedly, the IAEA will need to visit related sites. One should think of IAEA access to Parchin as a list of actions that would involve access to other sites and individuals.

Iran continues to say no to IAEA requests to interview key individuals, such as Fakrizadeh and Sayyed Abbas Shahmoradi-Zavareh, former head of the Physics Research Center, alleged to be the central location in the 1990s of Iran's militarized nuclear research. The IAEA interviewed Shahmoradi years ago about a limited number of his suspicious procurement activities conducted through Sharif University of Technology, at a time when Iran's current head of the Atomic Energy Organization of Iran was head of this university and aware of Shahmoradi's activities. The IAEA was not fully satisfied with his answers and its dissatisfaction increased once he refused to discuss his activities for the Physics Research Center. Since the initial interviews, the IAEA has obtained far more information, some supplied by my institute, about Shahmoradi and the Physics Research Center's procurement efforts.⁶ The need to interview both individuals, as well as others, remains.

⁵ See ISIS's critique of the Framework deal: Albright et al., "P5+1/Iran Framework: Needs Strengthening," ISIS Report, April 11, 2015, pp. 10-11. http://isis-online.org/uploads/isis-reports/documents/Assessment_of_Iran_Nuclear_Framework_April_11_2015-final.pdf

⁶ See for example, Albright, Paul Brannan, and Andrea Stricker, "The Physics Research Center and Iran's Parallel Military Nuclear Program," ISIS Report, February 23, 2012. http://isis-online.org/uploads/isis-reports/documents/PHRC_report_23February2012.pdf

If Iran is able to successfully evade addressing the IAEA's concerns now, when biting sanctions are in place, why would it address them later when these sanctions are lifted, regardless of anything it may pledge today? Iran's lack of clarity on alleged nuclear weaponization and its noncooperation with the IAEA, if accepted as part of a nuclear agreement, would create a large vulnerability in any future verification regime. Iran would have succeeded in creating precedents to deny inspectors access to key military facilities and individuals. There would be essentially no-go zones across the country for inspectors. Tehran could declare a suspect site a military base and thus off limits. And what better place to conduct clandestine, prohibited activities, such as uranium enrichment and weaponization? After all, the Fordow centrifuge plant was originally built in secret at a military site and only declared to the IAEA after Iran learned it was exposed.

Iran would have also defeated a central tenet of IAEA inspections—the need to determine both the correctness and completeness of a state's nuclear declaration. As a recent March 11, 2015 communication from Iran to the IAEA made clear, it stands opposed to allowing the IAEA to carry out this well-established mission.

Without resolving the PMD issues, the history of Iran's previous military nuclear efforts may never come to light and the international community would lack confidence that these capabilities would not emerge in the future. Moreover, Iran's ratification of the Additional Protocol or acceptance of additional verification conditions, while making the IAEA's verification task easier in several important ways, would not solve the basic problem posed by Iran's lack of cooperation on key, legitimate IAEA concerns. Other countries contemplating the clandestine development of nuclear weapons will certainly watch Tehran closely.

Solving the PMD issue does not require a *mea culpa* from Iran. Numerous approaches have been explored that can provide a mechanism to postpone a potentially embarrassing, albeit needed, admission. A simple acknowledgement of a past military nuclear program would be a positive step, and absent that, a decision not to dispute an IAEA finding on the matter. If no concrete progress is forthcoming by July 1, a deal should not be signed. If Iran in good faith asks to delay demonstrating concrete progress until after a deal is signed, a condition for sanctions relief should be that it fulfills this commitment, along with providing a road map on resolving the rest of the IAEA's PMD concerns. In particular, the condition must be added to the final deal that the U.S. and European Union nuclear-related sanctions will be suspended only after Iran addresses in a significant and concrete manner the IAEA's concerns about its past and possibly ongoing work on nuclear weapons, or the possible military dimensions, including:

- Allowing visits to Parchin and related military sites where nuclear weapons-related activities are alleged to have taken place. Access to the company where the explosive chamber was manufactured and the provision of information about other, similar chambers made by this company in the past. Access to key equipment and individuals associated with the alleged activities at Parchin;
- Access to key individuals identified by the IAEA as related to its PMD concerns;
- The IAEA issuing a provisional determination about whether Iran had a nuclear weapons program prior to 2004, parts of which may have continued after 2004.

After the deal is implemented, including Iran's ratification of the Additional Protocol, the IAEA would be guaranteed that it could conduct a more rigorous investigation of PMD issues.

2) Lifting of UNSC Resolutions Contingent on IAEA "Broader Conclusion"

With regards to the eventual lifting of UNSC resolutions, as discussed in the U.S. Fact Sheet, a condition must be added that UNSC resolutions will be lifted upon completion by Iran of its commitments and actions addressing all key concerns (PMD but also including enrichment, Fordow, Arak, and transparency) and completion, by the IAEA, of a determination under the Additional Protocol that Iran's nuclear program is peaceful, often called a broader conclusion. Negotiators must not agree to lift UNSC resolutions before the IAEA has reached its broader conclusion about the peaceful nature of Iran's program, including determining the extent of past progress on Iran's military nuclear program and dismantling any remaining efforts. Precedents for accomplishing this process are available from the case of South Africa's nuclear dismantlement. It will be vital to the ultimate success of an agreement that Iran not retain any residual military nuclear capability after sanctions leverage is removed. It is unlikely that UNSC sanctions can be re-enacted quickly. Combined with shorter breakout times and greater enrichment capacities after year ten of the deal and particularly after year 13, leaving this capability in Iran would only create a heightened version of the current security situation. Unless this facet of Iran's nuclear program is dealt with, no agreement should be made. It is a deal component that negotiators would ignore at the peril of regional security and peace.

3) Maintain Sanctions and Controls on Proliferation Sensitive Goods⁷

An often overlooked aspect of verifying against Iran's construction of secret nuclear sites or any other undeclared activities is preventing Iran's illegal procurements of critical goods and technologies. Iran depends on the foreign acquisition of a wide range of goods for its nuclear programs and has undertaken extensive and elaborate overseas illegal procurements in order to build its nuclear facilities. However, similar to its attitudes toward the IAEA and safeguards, Iran views others' national trade control laws and UN Security Council sanctions with contempt. On August 30, 2014, Iranian President Hassan Rouhani stated on Iranian television: "Of course we bypass sanctions. We are proud that we bypass sanctions." Few, if any, presidents proclaim such pride in conducting internationally illegal activities. In fact, his statement is egregious and implies a high level public endorsement of widely recognized illegal activities.

Evidence indicates that in the last few years Iran has been conducting its illegal operations to import goods for its nuclear program with greater secrecy and sophistication, necessitating greater attention to this issue. A long term nuclear agreement should ban Iranian illicit trade in items for its nuclear programs while creating additional mechanisms to verify this ban.

⁷ For a more detailed discussion of this issue, see David Albright and Olli Heinonen, "Provisions to Limit Future Iranian Illicit Procurements for its Nuclear Programs," ISIS Report, November 20, 2014, <http://isis-online.org/isisreports/detail/provisions-to-limit-future-iranian-illicitprocurements-for-its-nuclear-pro/8>

Because of Iran's extensive commitment to smuggling, a long term deal must create a basis to end, or at least detect with high probability, Iran's illicit procurement of goods for its nuclear programs. Such a verified ban is a critical part of ensuring that Iran is not establishing the wherewithal to:

- Build secret nuclear sites,
- Make secret advances in its advanced centrifuge or other nuclear programs, or
- Surge in capability if it left the agreement.

A comprehensive nuclear agreement is not expected to end Iran's illicit efforts to obtain goods for its missile and other military programs. Iran appears committed to continuing its illicit operations to obtain goods for a range of sanctioned programs. Given Iran's sanctions-busting history, a comprehensive nuclear agreement should not include any provisions that would interfere in efforts of the international community to effectively sanction Iranian military programs.

These conditions argue for continuing all the UNSC and national sanctions and well-enforced export controls on proliferation-sensitive goods. Such goods are those key goods used or needed in Iran's nuclear programs and nuclear weapon delivery systems, the latter typically interpreted as covering ballistic missiles.

Sanctions should continue on the listed goods in the UNSC resolutions, many of them dual-use in nature, and more generally on those other dual-use goods that could contribute to uranium enrichment, plutonium reprocessing, heavy water, and nuclear weapon delivery systems (see United Nations Security Council resolution 1929, par. 13). The latter is often referred to as the "catch-all" provision and mirrors many national catch-all requirements in export control laws and regulations. In the case of Iran, this provision is especially important. Without illicitly obtaining the goods covered by catch-all, Iran would be severely constrained in building or expanding nuclear sites.

Strengths and Weaknesses of Provisions in U.S. Fact Sheet

A goal of negotiators has been to create a final agreement which maintains international sanctions and controls on imports by Iran of proliferation-sensitive goods while creating a verifiable procurement channel for Iran's legitimate nuclear program. In this sense, the Fact Sheet succeeds in its provisions that seem to address both issues. On one side, the Fact Sheet contains a provision that "core provisions in the UN Security Council resolutions – those that deal with transfers of sensitive technologies and activities – will be re-established by a new UN Security Council resolution that will endorse the JCPOA and urge its full implementation." On the other, one of the strongest provisions relates to the establishment of a procurement channel that will monitor and approve the supply, sale, or transfer of certain nuclear-related and dual-use materials and technology.

As important, but not discussed in the U.S. Fact Sheet, procurements of sanctioned goods outside this channel would be banned and considered illicit nuclear trade. One key aspect that accompanies this provision in a final deal has been the creation of a comprehensive list of goods

subject to control and monitoring via the procurement channel. This list, which has not been made public although Iran may have seen it, needs to be extensive and include the major goods needed by Iran's nuclear programs. Initial indications are that this list may not be adequate.

The Framework does not mention the body that will oversee Iran's procurement channel or how import activities will be coordinated. It also does not deal with how UN sanctions compliance will be monitored. The UN Iran Sanctions Committee and its Iran Panel of Experts are already established bodies that could provide monitoring of exports via the channel. According to briefings by negotiators, Iran opposes the use of these UNSC bodies to oversee the procurement channel.

The IAEA should have a key role with an expanded authority in verifying that Iran is complying with these provisions. The Panel of Experts cannot perform this function, whereas the IAEA has performed similar verification activities in Iraq and Libya and can muster the resources to perform this verification task in Iran.

Missing in the Fact Sheet is any indication that Iran will commit not to conduct illicit trade in the goods subject to this agreement. This is a major point given the extent of Iranian illicit nuclear and nuclear-related procurements in the past and its on-going efforts to acquire nuclear-related goods illegally.

As detailed under recommended measure 2, UNSC sanctions on proliferation-sensitive goods must be made conditional on the IAEA reaching a broader conclusion about the peacefulness of Iran's nuclear program.

Enforcement Must Continue

The adequacy of verification and ensuring Iran's compliance with the deal will depend on strong enforcement of national and regional export control laws and on-going sanctions on proliferation-sensitive goods throughout the world. A risk is the undermining of national enforcement efforts against Iran's illegal purchase of proliferation sensitive goods. U.S. and other nations' prosecutors and investigators should be encouraged to aggressively pursue enforcement efforts against Iranian illicit procurements. Iran has continued to procure key goods illegally for its nuclear, missile, and military programs even throughout the time that the interim deal has been in place. Although an agreement would create a procurement channel for authorized nuclear programs, Iran would still be banned from buying a range of goods outside of this channel.

All nations should commit to detecting and enforcing any violations of this part of the agreement. President Obama, or a designated senior representative, should make a statement on the importance of enforcing sanctions on proliferation-sensitive goods now and under any agreement. The administration should send out guidance to U.S. enforcement agencies that their efforts should not cease to collect evidence and prosecute crimes by Iranian illicit procurement agents. To that end, the United States should allocate more financial and logistical resources to their on-going enforcement. The European Union countries should undertake similar actions. If a deal is signed, the P5+1 will need to conduct an aggressive international outreach effort about

the need for countries to continue enforcing export controls and sanctions against Iran and provide a mechanism for reporting violations to the assigned body overseeing sanctions compliance.

4) Include Supplementary Verification Conditions

The recent parameters framework contains many provisions related to the verification of a comprehensive plan. However, the conditions are such that their adequacy cannot be assessed comprehensively without progress on some key provisions in the negotiations. As a result, it is difficult to make specific recommendations. However, the general areas that we believe are priorities for resolution or clarification include those detailed below.

Anywhere, Anytime Inspections

A clearly stated commitment is needed in the agreement that will allow the IAEA to have access to suspicious sites anywhere in Iran, including military sites. The Fact Sheet is confusing on this point. The relevant bullet is:

“Iran will be required to grant access to the IAEA to investigate suspicious sites or allegations of a covert enrichment facility, conversion facility, centrifuge production facility, or yellowcake production facility *anywhere in the country*.” (emphasis added)

The key phrase “anywhere in the country” does not appear to be applied to the suspicious sites in the first clause. These suspicious sites could include military sites where nuclear weapons research, development, or production could have taken place or would take place. Doubt about whether the P5+1 obtained Iran’s commitment to allow inspections anywhere is evident in recent public statements. Supreme Leader Khamenei said on April 9 that military sites would be off limits to inspections. A day earlier, Hossein Dehqan, Iran’s Minister of Defense and Armed Forces Logistics, said that Iran has not agreed to open its military facilities to inspections: “Such an agreement has not taken place, and fundamentally inspections of military sites are among the red lines, and no inspections of these sites will be allowed.” Thus, there is no doubt Iran is denying that it will allow critical access to military sites. A priority in the negotiations is an explicit commitment by Iran to allow IAEA access to military sites.

This access must be prompt. Inspectors must have access to sites where evidence indicates suspicious nuclear-related activities are taking place in a manner that is close to immediate or “anytime.” The United States has recognized that the Additional Protocol alone is not sufficient to obtain access quickly enough and supports more timely access conditions in an agreement. The exact nature of that proposal is not in the Fact Sheet but Iran has apparently not yet agreed to this proposal and this proposal remains a very tough issue.

In addition to anywhere, anytime inspections, the comprehensive plan must ensure that the IAEA can take environmental samples and other measurements at sites of concern and interview key personnel related to those suspect activities. These measures should be permanent.

Broader Declarations

In addition to the broader declarations needed to address the IAEA's PMD concerns, the verification arrangements will also need to include requirements that Iran declare how many centrifuges Iran has made and its inventory of raw materials and equipment for its centrifuge program. This baseline is necessary if the agreement is to provide assurances about the absence of secret centrifuge activities and facilities.

With regard to establishing a baseline on the number of centrifuges made by Iran, verification of centrifuge manufacturing is necessary, including the declaration and verification of key raw materials and components. The declaration needs to include the origin and amounts of key raw materials and the total number of major components, including the number held in stock, the number manufactured or procured, and their fate. A description of the locations used to produce these goods will also be needed.

The U.S. Fact Sheet appears to recognize the importance of this condition. However, the language in the Fact Sheet focuses on the future and not the past. Without knowledge of past centrifuge manufacturing activities, centrifuge-related equipment and raw material inventories, and centrifuge-related procurements, verification cannot be adequate. Covert stocks of centrifuges and related equipment and materials could exist and be kept outside the purview of the inspectors. Ensuring a full declaration of the past should be a priority.

Another element is the rigorous verification of uranium obtained abroad and produced domestically. The Fact Sheet and briefings have emphasized the continuous surveillance of uranium mills over a twenty five period. Less clear is whether Iran has committed to cooperate with the IAEA in making a full, verified accounting of past uranium purchases and production. Moreover, knowing Iran's historical acquisition and use of uranium stocks is the more important goal. Like the provision guaranteeing daily IAEA inspector access to Iran's centrifuge plants under the interim deal under the Joint Plan of Action, daily or continuous inspector access to uranium mills would be more political show than sensible or substantively useful. The deal needs to ensure that the IAEA can conduct remote surveillance of the mills and in fact other key nuclear sites. So far, Iran has refused to allow remote monitoring. The Fact Sheet states that the IAEA access can include the use of the "most up-to-date, modern monitoring technologies." However, based on this statement, Iran may or may not have accepted the routine use of remote monitoring.

Iran would also need to agree to provide the IAEA with details of past and future imports, exports, and uses of key items listed under INFCIRC 254 part 1 and 2 and other critical goods that are used in Iran's nuclear programs. These declarations would go beyond the ones in the Additional Protocol and Iran's commitment to make these declarations should be in the comprehensive deal.

As part of broader declarations, the comprehensive plant should also include a provision for verification of any past activities related to the separation of plutonium. These declarations should include information on any actual or attempted procurements related to acquiring capabilities to separate plutonium from irradiated material.

In sum, because of Iran's history of denying or delaying the IAEA access to sites, taking actions to hide activities at sites, and generally abusing the consultation process with the inspectors, a deal needs to include legally binding provisions that ensure the IAEA prompt access to sites and a complete inventory of information about Iran's past and future activities. The IAEA must have the ability to verify an agreement for its duration without hindrances from Iran.

As I stated, the evaluation of the adequacy of verification provisions remains a critical role of Congress. Congress should have a role in evaluating the adequacy of the verification regime throughout its duration at the most critical phasing points.

Thank you for the opportunity to testify today.

Appendix 1⁸:

Specific Violations of the Comprehensive Safeguards Agreement, Pre-2004

From the mid-1980s to 2003 Iran violated its safeguards agreement with the IAEA by failing to declare numerous activities required by Iran's safeguards agreement with the IAEA, primarily involving experiments with nuclear material. Though several IAEA reports describe these violations, the November 2004 IAEA safeguards report on Iran provides an especially detailed summary of Iran's overall nuclear program, including specific NPT violations.⁹ According to the IAEA, Iran failed to declare the following major activities:

- **Uranium Imports:** Iran failed to report that it had purchased natural uranium (1,000 kg of UF₆, 400 kg of UF₄, and 400 kg of UO₂) from China in 1991, and its subsequent transfer for further processing. Iran acknowledged the imports in February 2003.
- **Uranium conversion:** Iran did not inform the IAEA of its use of the imported uranium in tests of its uranium conversion processes, including "uranium dissolution, purification using pulse columns, and the production of uranium metal, and the associated production and loss of nuclear material." Iran acknowledged this failure in February 2003.
- **Uranium enrichment:** Iran failed to report that it had used 1.9 kg of the imported UF₆ to test P1 centrifuges at the Kalaye Electric Company centrifuge workshop in 1999 and 2002. In its October 2003 declaration to the IAEA, Iran first admitted to introducing UF₆ into a centrifuge in 1999, and into as many as 19 centrifuges in 2002. Iran also failed to declare the associated production of enriched and depleted uranium.
- **Hidden Sites:** Iran did not declare to the IAEA the existence of a pilot enrichment facility at the Kalaye Electric Company Workshop, and laser enrichment plants at the Tehran Nuclear Research center and at Lashkar Ab'ad. Because experiments at these sites involved the use of nuclear material in equipment, Iran was obligated to report them to the IAEA.
- **Laser Isotope Enrichment Experiments:** Iran failed to report that in 1993 it imported 50 kg of natural uranium metal, and that it used 8 kg of this for atomic vapor laser isotope separation (AVLIS) experiments at Tehran Nuclear Research Center from 1999 to 2000, and 22 kg of the metal for AVLIS experiments at Lashkar Ab'ad from 2002 to 2003.¹⁰ These activities were ultimately acknowledged in an October 2003 declaration.
- **Plutonium Experiments:** Iran did not report to the IAEA that it had produced uranium dioxide (UO₂) targets, irradiated them in the Tehran Research Reactor, and then separated the plutonium from the irradiated targets. Iran also failed to report the production and transfer of waste associated with these activities and that it had stored unprocessed irradiated targets at the Tehran Nuclear Research Center. In later meetings with the IAEA, Iran said that it conducted the plutonium separation experiments between 1988 and 1993 using shielded glove boxes at the Tehran Nuclear Research Center.

⁸ Excerpted from Albright and Jacqueline Shire, "Iran's NPT Violations – Numerous and Possibly Ongoing?" ISIS Report, September 29, 2006. <http://isis-online.org/uploads/isis-reports/documents/iranpntviolations.pdf>

⁹ <http://www.iaea.org/Publications/Documents/Board/2004/gov2004-83.pdf>

¹⁰ International Atomic Energy Agency, *Implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran*, GOV/2003/75, 10 November 2003. Annex 1, p. 2. 3

Appendix 2:

Major Illicit Iranian Procurements in Violation of UN Security Council Sanctions and National Trade Controls

Iran's wide-ranging illicit procurement efforts have centered on outfitting its gas centrifuge program and Arak nuclear reactor project in defiance of a host of supplier countries' national trade controls and of United Nations Security Council sanctions resolutions that require Iran to suspend both programs.¹¹ The UN Security Council first passed a resolution demanding a suspension of Iran's nuclear programs in 2006 under resolution 1696.¹² But Iran continued to conduct smuggling operations regularly to outfit its sanctioned nuclear programs. Intelligence agencies and the IAEA found that Iran also conducted illicit procurement to supply its secret nuclear weapons program until at least 2004.¹³ European countries have detected procurements after 2004 related to nuclear weapons development.¹⁴ Iran continues these operations throughout the period of the Joint Plan of Action, although the agreement did not explicitly denote that Iran would suspend illicit procurement activities.

Some prominent examples of major procurements made or attempted by Iran in recent years include:

- In 2012, a major U.S. sting operation led to the arrest of an Iranian working with a Chinese company to send or attempt to send U.S. and European-origin goods to Iran and Iranian companies or entities via transshipment through China. The sought-after goods, which included tons of maraging steel, vacuum pumps, pressure transducers, mass spectrometers, and accessories, were dual-use items intended for and critical to the operation and advancement of Iran's gas centrifuge program.¹⁵
- Qiang Hu, a Chinese citizen, was charged in the United States for violating U.S. export controls by selling thousands of pressure transducers, which measure pressure in gas centrifuge cascades, to unnamed customers through his position of sales manager at MKS Instruments Shanghai Ltd. in China.¹⁶ Iran was a likely recipient. Hu worked with two colleagues and two phony Chinese trading companies to fraudulently obtain U.S. export licenses for over \$6.5 million worth of pressure transducers.

¹¹ For additional, detailed examples, see ISIS, "Illicit Trade: Case Studies," <http://isis-online.org/studies/category/illicit-trade/>

¹² United Nations Security Council Resolution 1696 (2006), July 31, 2006. http://www.isisnucleariran.org/assets/pdf/UNSC_res_1696.pdf

¹³ Report by the Director General, International Atomic Energy Agency (IAEA), *Implementation of the NPT Safeguards Agreement and the relevant provisions of Security Council resolutions in the Islamic Republic of Iran*, November 8, 2011. http://isis-online.org/uploads/isis-reports/documents/IAEA_Iran_8Nov2011.pdf

¹⁴ David Albright and Christina Walrond, *The Trials of the German-Iranian Trader Mohsen Vanaki: The German Federal Intelligence Service Assesses that Iran Likely Has a Nuclear Weapons Program*, ISIS Report, December 15, 2009. http://isis-online.org/uploads/isis-reports/documents/MohsenCaseStudy_update_15Dec2009.pdf

¹⁵ David Albright and Andrea Stricker, "Major U.S. Sting Operation Arrests Iranian in Nuclear Smuggling Network," ISIS, August 12, 2012. http://isis-online.org/uploads/isis-reports/documents/US_case_gas_centrifuge_equipment.pdf

¹⁶ Department of Justice Press Release, "Chinese National Charged in Massachusetts with Illegal Exports of Sensitive Technology to China," May 23, 2012. <http://www.justice.gov/usao/ma/news/2012/May/HUQiangchargesPR.html>

- A Swedish naturalized citizen, originally from Iran, was convicted in 2013 for running a small Swedish trading company that attempted to illegally export gas centrifuge relevant valves and vacuum pumps to Iran. Many previous dual-use exports to Iran were successful.¹⁷
- In 2011, an Iranian trading company, Jahan Tech Rooyan Pars Co., sought via a commercial Chinese web site 100,000 ring magnets, whose dimensions matched those of ring magnets of Iran's IR-1 centrifuge. This number of ring magnets was enough for 50,000 IR-1 centrifuges.¹⁸
- According to a senior U.S. official interviewed by The Washington Post, Iran was detected in 2010 trying to buy carbon fiber in China, a material used in fabricating advanced gas centrifuges.¹⁹
- In 2009, a Chinese company, Roc-Master Manufacture and Supply Company, working on behalf of an Iranian client, brokered a deal for 108 European-made pressure transducers with a distributor of this equipment located in Taiwan. The Taiwanese distributor misled the European manufacturer that the end user was in China, but instead forwarded the pressure transducers to Iran.²⁰
- Starting in 2007 and continuing into 2011, Iran sought 1,767 valves from Germany for its IR-40 heavy water reactor at Arak and planned to pay \$6 million for these valves.²¹ The Iran-based Modern Industries Technique Company (MITEC) which is responsible for the design and construction of the Arak reactor, was the entity that sought the valves abroad. MITEC has been listed under United Nations Security Council sanctions since 2010. The major players in the procurement scheme, including Hossein Tanidchi, an Iranian procurement agent, were arrested in Turkey and Germany.
- From 2006 to the present, the United States has tracked a Chinese company's sales of missile and nuclear related materials to Iran, including illegally accessing the U.S. financial system to receive payments from Iran. The prominent case of the sanctioned Chinese company, Limmt, and its owner, Li Fang-Wei, has showcased China's inaction on enforcing sanctions against Iran.²² In 2009, the United States first indicted Li and Limmt, and in 2014, the United States released a new indictment and a reward for Li's arrest.²³
- In 2006, a private Chinese manufacturing company under false pretenses acquired vacuum pump systems from a European company's Chinese subsidiary. These pumps were manufactured in Europe and

¹⁷ Swedish indictment of Shahab Ghasri, September 24, 2011. http://www.exponerat.info/wp-content/uploads/2012/12/iravier_Smuggling-tekn-utrust-iran-B-3487-i-1-stämning.pdf; Report of the Panel of Experts on Iran established pursuant to resolution 1929 (2010), June 5, 2013, paras 23-27 and 111.

¹⁸ David Albright, "Ring Magnets for IR-1 Centrifuges," ISIS Report, February 13, 2013. http://isis-online.org/uploads/isis-reports/documents/iran_ring_magnet_13Feb2013.pdf

¹⁹ John Pomfret, "Chinese Firms Bypass Sanctions on Iran, U.S. Says," *The Washington Post*, October 18, 2010.

²⁰ "How Nuclear Equipment Reached Iran," The Associated Press, March 1, 2010.

²¹ Cathrin Gilbert, Holger Stark, and Andreas Ulrich, "Operation Ventilator," *Der Spiegel*, 40/2012. See also *Report of the Panel of Experts on Iran*, June 5, 2013.

²² Andrea Stricker, "A Smuggler's Use of the U.S. Financial System to Receive Illegal Payments from Iran," ISIS Report, October 23, 2009, updated February 11, 2011. http://isis-online.org/uploads/isisreports/documents/Limmt_Li_Fang_Wei_23Oct2009_update9Feb2011.pdf

²³ David Albright, Andrea Stricker, and Donald Stewart, "Serial Proliferator Karl Li: China's Continued Refusal to Act," ISIS Report, May 8, 2014. <http://isis-online.org/isis-reports/detail/serial-proliferator-karl-li-chinas-continued-refusal-to-act/20>

intended for use exclusively in China. Nonetheless, the Chinese manufacturing company sent them to Iran without official approval.²⁴

- In the last few years, Iran acquired significant quantities of high quality carbon fiber, a good usable in its advanced gas centrifuges. The carbon fiber, made in Japan, was sold to a U.S. company, which in turn sold it to an EU country. It was subsequently sold to other companies within the EU, and ultimately trucked to Iran via Turkey.

²⁴ David Albright, Paul Brannan, and Andrea Scheel. "How Cooperation between a Company and Government Authorities Disrupted a Sophisticated Illicit Iranian Procurement," ISIS Report, January 12, 2009. http://isisonline.org/uploads/isis-reports/documents/Pumps_China_12January2009.pdf

Appendix 3:

Update on the IAEA/Iran Framework for Cooperation and Resolution of Possible Military Dimensions (PMD): Effort Remains Stalled

Iran has pledged under a Framework for Cooperation with the IAEA to resolve all outstanding issues relating to the possible military dimensions of its nuclear program. These issues were detailed in an annex in the IAEA's November 2011 safeguards report.²⁵ The evidence underlying the outstanding issues is viewed by the IAEA as "overall, credible." Iran has told the IAEA that "'most of the issues' in the Annex to GOV/2011/65 (the November 2011 safeguards report) were 'mere allegations and do not merit consideration.'"²⁶

The IAEA reiterated in September 2014 that with regard to its investigation:

The Board of Governors has confirmed on numerous occasions, since as early as 1992, that para. 2 of INFCIRC/153 (Corr.), which corresponds to Article 2 of Iran's Safeguards Agreement, authorizes and requires the Agency to seek to verify both the non-diversion of nuclear material from declared activities (i.e. correctness) and the absence of undeclared nuclear activities in the State (i.e. completeness).

The IAEA has stated it needs to conduct a "system" assessment of the outstanding PMD issues, and that "this will involve considering and acquiring an understanding of each issue in turn, and then integrating all of the issues into a "system" and assessing that system as a whole."

Although Iran has pledged to cooperate on addressing the past and present issues related to the possible military dimensions of its nuclear program, the latest IAEA Iran safeguards report from February 19, 2015 notes no further progress on resolving them. In particular, Iran has not proposed any new practical measures to resolve its PMD file in a fourth step under the IAEA/Iran Framework for Cooperation. It has also not addressed the last two measures in the third step of the Framework for Cooperation that had been agreed upon in May 2014. These two measures concern the initiation of high explosives and neutron transport calculations possibly related to the development of nuclear weapons. In August 2014, the IAEA had also invited Iran to propose new measures for a new step in the Framework for Cooperation, but, as of early March 2015, Iran has failed to do so.

Requests to Access Parchin Site

In February 2012 the IAEA requested a visit to a site at the Parchin military site which it has not yet been granted. Instead, the IAEA (and ISIS) has tracked via satellite imagery the apparent sanitization efforts by Iran to conceal past activities at the site over the past two plus years since the IAEA first asked to visit.²⁷ The IAEA reports that the activities that have taken place at the site since its request for access have likely "undermined its ability to conduct effective verification" and that Iran must address its questions and provide access to the site.

²⁵ Report by the Director General, *Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council Resolutions in the Islamic Republic of Iran*, GOV/2011/65, November 8, 2011. http://isis-online.org/uploads/isis-reports/documents/IAEA_Iran_8Nov2011.pdf

²⁶ Report by the Director General, *Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council Resolutions in the Islamic Republic of Iran*, GOV/2014/43, September 5, 2014. <http://isis-online.org/uploads/isis-reports/documents/gov-2014-43.pdf>

²⁷ "Iran: ISIS Reports with Imagery," <http://isis-online.org/isis-reports/imagery/category/iran/>

The IAEA reported in its February 2015 safeguards report viewing in satellite imagery further activity at the Parchin military site. It has observed construction materials, vehicles, and other equipment present at a specific location at Parchin where the nuclear weapons-related high explosive activities are alleged to have taken place. Similarly, through analysis of commercial satellite imagery dated between August 12, 2014 and January 31, 2015, ISIS also detected various activities and the presence of construction materials at the site in question. In the most recent imagery, resurfacing or re-asphalting activities could be seen as well as cleanup of construction materials and debris, all of which would be consistent with the IAEA's findings.²⁸

²⁸ David Albright, Serena Kelleher-Vergantini, and Christopher Coughlin, "Modifications at the Parchin Site: A Comprehensive Timeline; New Imagery Suggests Re-Asphalting," ISIS Report, February 11, 2015. http://isis-online.org/uploads/isis-reports/documents/Parchin_February_11_2015_Final.pdf

Chairman ROYCE. So if I can go back to Mr. Rademaker, as I—as I mentioned this morning in the press is this report, and I talked about viewing this sanctions relief as a signing bonus, basically, what are they doing with the relief they already have?

And the fact that the Iranian regime is so engaged right now with the anticipation of getting the relief—the remarks by one of the ministers that, you know, they control four Arab capitals today. He was speaking of Yemen as well as other countries that have fallen under the sway of the Quds Forces.

The Quds Forces is very active and this week, according to Western intelligence, Iran's Revolutionary Guards during the past few months have transferred tens of millions of dollars to Hamas' brigades.

Intelligence reports show that the funds have been transferred on the direct order of the commander of the Revolutionary Guards' elite Quds Force who also dedicated an annual budget to finance Hamas' military operations.

The funds, according to the intelligence report, are being used primarily to help Hamas rebuild the network of tunnels that were destroyed, and apart from using Iranian aide to rebuild the tunnel network the brigades are also replenishing their depleted stocks of medium-range missiles, according to officials.

So the consequences of this negotiation—this olive branch, to put it in the words of the administration, that is being extended—is not an Iran that is changing its behavior. If we read anything from attitude, you know, you take a look—and I am going to quote Dennis Ross this week from something he wrote:

“The more the Supreme Leader makes specific points about the content and purposes of the negotiations in public the more his comments are likely to tie the hands of his negotiators.”

I think his point is that, you know, that is what has happened so far. The Supreme Leader insisted in public that Iran have enrichment and what happened? They got enrichment. That they not dismantle the facilities, which I thought was part of the original plan—he succeeded.

That they be allowed to continue R&D, so they succeeded. That they have an industrial-sized program—on all of these points, the U.S. negotiators conceded.

So when the Supreme Leader talks, whether it is on negation positions in terms of the agreement or it is on the position of death to America, a chant that he still leads every week, apparently people listen. And I wanted to ask your opinion and the other panelists' opinion on that point.

Mr. RADEMAKER. Mr. Chairman, I certainly have to agree with you that if you look at the declared red lines on our side and on the Iranian side at the outset of these negotiations and you look at what appears to be emerging as the final agreement, the final agreement is pretty much consistent with the Iranian red lines and bears little relationship to the red lines that were declared on our side going in.

So what that tells you is that during the course of the negotiations on issue after issue the Iranians prevailed and we backed down. And regrettably, we still don't have a final deal and, I mean,

you have watched the spectacle of the dueling fact sheets—of the U.S. fact sheet and the Iranian fact sheet—and the Iranians saying that the U.S. fact sheet is all wrong and the Supreme Leader taking issue with some of the details.

So I think, you know, the testimony we are presenting today is based on what we understand and most of us are relying on the U.S. fact sheet. But, you know, from the outset both sides have said in these—in this negotiation nothing is agreed until everything is agreed.

So I think it is a fair statement that everything remains subject to negotiation and I am not sure we have seen the last of the retreats on our side in the negotiations, regrettably.

You asked about what is Iran doing with the funds and you are referring to sort of—they are getting it is around \$4 billion or \$5 billion a month now—as sort of a down payment on this much larger amount of money that is—it is Iranian money but it is foreign bank accounts and due to U.S. sanctions that Congress enacted—the so-called Menendez-Kirk sanctions—the Iranians are not able to spend that money. They are not able to bring it back to Iran.

They are able to spend it in India or Japan or China. But anyway, you know, what we know is that as part of this deal they will be able to bring that money home. There are no restrictions on what they do with that money. That is just not part of the deal and what they—

Chairman ROYCE. It is funding.

Mr. RADEMAKER [continuing]. Have been doing with the down payments give an indication of what they will do with the much larger sums that are coming in the future.

Chairman ROYCE. And Mr. Albright, you had a point you wanted to make?

Mr. ALBRIGHT. Yes, I want to make a point. I think—I want to emphasize that the limits for the first 10 years in a negotiation that is difficult aren't that bad. I mean, it is really—there is questions—the real question is after that 10-year about what is going on.

But I think that it should be recognized that Iranians had to give a lot on that—in that 10-year period and, again, we can—I have disappointments with Fordow, with centrifuge R&D.

But centrifuge R&D in that 10-year period is pretty severely limited. I would have liked it not to happen on the—particularly the advanced ones called the IR6 and the IR8.

But nonetheless, those limitations are in place. I also—but I also think that where Iran has been very tough is on the verification issues and that is where I think the real holes in this deal can show up that are going to affect what happens in the first 10 years.

Chairman ROYCE. Thank you. Thank you, Mr. Albright.

Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman.

I would like to read something and then ask any of our panelists who would care to comment on it to please do so. The parameters that the United States published in violations of the Joint Comprehensive Plan of Action states, and I quote,

“The architecture of U.S. nuclear-related sanctions on Iran will be retained for much of the duration of the deal and allow for

snap back of sanctions in the event of significant nonperformance.”

I would like to ask you in your opinion what would constitute significant nonperformance, what would insignificant nonperformance be, who should determine whether Iran has violated the agreement and what obstacles should we watch out for in the execution of this part of the agreement—whoever would care to answer it. Mr. Duelfer.

Mr. DUELFER. That gets to a point I was trying to make in my introduction which is that there will be no consensus on that among the international community.

The pressure will be put on the director of the IAEA to make a judgment. At the end of the day, there is no—there is no cookbook answer to it.

He will have to make some judgment about whether, you know, compliance exists or doesn’t exist and he is going to be under enormous pressure in that case. It is also the case that it will be very important, however the final agreement is structured, that non-cooperation be equated with noncompliance.

In other words, if the Iranians don’t answer the questions, such as related to Parchin or otherwise, then the secretary general or the director general of the IAEA can report to the Security Council that they are in violation. That is the only way you can really empower him in that—in that dilemma he faces.

Mr. ENGEL. Thank you. Anybody else? Mr. Albright.

Mr. ALBRIGHT. Yes. One is I don’t think the snap back provision has been negotiated.

I think it is going to be extremely difficult to negotiate, particularly if you then include snap back on U.N. Security Council sanctions. And also I think it has to be recognized that it is mostly a deterrent.

I mean, if you do have to snap back and that succeeds, having Iran change its behavior significantly within a 1-year breakout period is going to be very difficult. I think you will be forced at that point to confront a military option and won’t be able to rely on the effective sanctions kicking in and having an effect.

Now, another point is in the—in the JPA the IAEA has not been given the mandate to determine compliance. I don’t think—and I don’t know if it is going to be given that mandate in the—in the long-term deal.

And the IAEA reports but it does not determine noncompliance, and so I think that is a question for this deal is who is going to do that and I don’t know what the answer would be.

I would suggest it shouldn’t be the IAEA. I mean, it is not the best agency to determine something as important as this. Another issue is snap back does not touch the—I guess what Congressman Engel called the nonsignificant nonperformance.

I mean, that is really aimed at fairly major noncompliance which, again, will have to be defined what that is. One can imagine. But there is going to be a whole set of probably noncompliance that is small and but over time could add up to major noncompliance.

And how do you deal with that? And I am not sure that is even really being discussed in these negotiations of how do you deal with minor noncompliance except by putting—let us say the U.S. would

put political pressure on Iran like what it did with the IR5 when Iran started to operate or feed in uranium hexafluoride gas and enrich it—and again, it is remixed with the tails afterward so no enriched uranium comes out in the process but nonetheless it does enrich and the Iranians see how well it works.

But in that case, U.S. put political pressure on Iran to stop and it did. But is that going to work in general? And I would argue probably not and that there does need to be another mechanism to deal with these, I would almost call, minor violations. But over time these minor violations could undo the deal.

Mr. ENGEL. Let me ask you then, Mr. Albright, what do you recommend for proper verification after 15 years when Iran is a signatory to the additional protocol and will the additional protocol without some of the other more intrusive inspection mechanisms be enough to detect breakout?

Mr. ALBRIGHT. Well, I think the intrusive methods are going to have to last indefinitely. I mean, I think it definitely doesn't mean forever but I think there has to be some kind of review mechanism built into this deal where the P5+1 can decide at some point in time to take away those intrusive measures.

So I don't think they should sunset. I think it is very risky, in fact, to have these measures sunset. And so I think the—and Steve raised this too, you know, this question of breakout.

From my understanding of the deal is that at year 13 the breakout time would be 6 months. There would be all kinds of conditions put on centrifuge types, numbers and within that 6 month breakout criteria.

But after year 13 all bets are off and that is probably not the best place to be and if it is going to be the place then there really does need to be some significant review of this situation so that additional action can be taken and, I would argue, should be in the deal—should also be in, I would hope, in any legislation that is created—that there has to be mandatory review of what is going on with the potential to change the course.

Mr. ENGEL. Thank you. Thank you, Mr. Chairman.

Chairman ROYCE. Ileana Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman.

As all of us know, Iran has been—has many years of experience playing cat and mouse with the IAEA and has learned from the Iraq model well enough to know that it can stifle even the most robust and intrusive inspections as the President claims that he has won from these negotiations.

What makes this whole nuclear negotiations debacle even more rotten is that President Obama has been disingenuous at best with Congress and with the American public about what is really in this deal.

Two of the most egregious examples are the lifting of sanctions and the reports that surfaced this week that the President had kept Iran's estimated breakout time a secret until the framework agreement was announced.

From the very beginning, most of us in Congress decried these negotiations because they only focused on the nuclear aspect of Iran's illicit behavior and because we wanted to prevent Iran from ever acquiring a nuclear weapon, not just delaying that capability.

The administration insisted that these negotiations be about the nuclear program alone. Now the administration will seek to lift all U.N. Security Council sanctions including those on ballistic missiles and conventional military programs.

The rationale? Because those sanctions were implemented as part of the nuclear-related resolutions at the U.N. Security Council.

So for the purposes of lifting sanctions and giving the Iranian regime more concessions and access to hundreds of billions of dollars to use to spread its terror and attack U.S. interests then ballistic missiles, Iran's support for terror and its conventional military programs are nuclear related. But when it comes to negotiating this raw deal none of that was nuclear related.

So Mr. Duelfer, there have been reports that the administration will give what we have been talking about—Iran essentially a signing bonus of \$500 billion. How are we weakening the IAEA's ability to monitor and verify Iran's nuclear program if we already concede billions of dollars to Iran up front?

And related to that, if we provide this signing bonus what leverage do we have left with Iran to force this country to comply and answer all of the IAEA's outstanding inquiries?

Mr. DUELFER. Well, therein lies, I think, the dilemma that—not just in Washington but the P5+1 faces—how do you compel compliance? And in the case of Iraq I have a lot of history and I spent a lot of time there and I should add that I think the Iranians killed a lot more Americans than ISIS has ever killed so that, perhaps, colors my views on this, you are exactly right because the director general of the IAEA has a limited ability.

He can only report within the parameters of what he knows and makes judgements about that. He cannot cause Iran to comply. Only the Security Council and other members can cause Iran to comply.

Once the sanctions are off, signing bonus or no signing bonus, the momentum is people want to get on with business. Russians, you know, demonstrated this in great detail with respect to Iraq where they—

Ms. ROS-LEHTINEN. Thank you.

Mr. DUELFER [continuing]. Explained the last.

Ms. ROS-LEHTINEN. Thank you so much. And Mr. Albright, you have been saying for a long time now that despite the Obama administration's claim that Iran's breakout time was over a year, Iran could actually be closer and potentially even less than the administration's current public estimate of 2 to 3 months.

How does allowing Fordow to remain active—what does that mean for a breakout time and how long would it take to test a nuclear device underground and what kind of assurances do we have that we could detect it in time?

Mr. ALBRIGHT. So a lot of questions. Let me—certainly, my preference would have been that Fordow wouldn't have any centrifuges.

So because it does you have to continue to factor that into breakout estimates—the full 1,000 that are there. You could reduce them as they become unavailable in some significant way but it still counts in the breakout.

One administration idea is to—is to have any work that is done involving enriching nonuranium isotopes be such that it contaminates the centrifuges against use by uranium in the future and there is some isotopes where that is true—for example, molybdenum, and having that in the deal will mitigate some of the risk of Fordow but not all of it.

In terms of testing a nuclear device, I mean, it is—the estimates vary. I mean, it is very tough to determine or figure out when a country is working on that. Part of the concern about—of the PMD, as the IAEA likes to call it, is that Iran, in their view, knows how to build a crude nuclear weapon and therefore if they were—had the nuclear explosive material, the weapon grade uranium, in sufficient quantity then it is probably not a long road in order to fashion it into a device that could explode underground or a crude kind of nuclear IED. And so that could be a matter of just several months.

Ms. ROS-LEHTINEN. Thank you, Mr. Albright. I know my time is up.

Thank you, Mr. Chairman.

Chairman ROYCE. Mr. Brad Sherman of California.

Mr. SHERMAN. Thank you. It is said that no deal is better than a bad deal. That looks good on a political bumper sticker. I think our choice is between a bad deal, perhaps a very bad deal, and a very bad and intractable situation.

I want to thank Mr. Rademaker for making it clear just how bad this deal is in year 10 or maybe year 13. They will literally be on the 1-inch line.

The President has acknowledged that. You have said it clearly. And the reason for that is during this deal they will have, roughly, 5,000 centrifuges that are IR1s.

Starting in year 10, maybe if we negotiate very well year 13, they can have an unlimited number of centrifuges and those centrifuges will be perhaps 10 times as efficient and that will shrink their breakout time from 1 year to 1 day.

Just do the math—20 times as many centrifuges and those centrifuges are 10 times as powerful. So the question—you know, I know we are supposed to ask you questions but people are asking us questions—what do we do now and what do we do when a deal is submitted to us.

As to what we do now, we have got to put pressure on the President to at least meet his minimum objectives, and I think you gentlemen have pointed out two very important areas.

One is the signing bonus—the idea that if we release \$30 billion or perhaps \$130 billion while Iran keeps its stockpiles and hasn't yet dismantled the centrifuges Iran could take all the benefits and back out of this deal by Labor Day \$130 billion richer.

The purpose of these hearings is to focus on verification. We need go anywhere, go anytime or almost any—or with a very short notice and we need to be able to use environmental testing. The administration has said they are going to achieve that but then I—we saw Secretary Kerry try to argue to us that don't worry, Iran won't have a nuclear weapon because they can't have a nuclear weapon because that would violate the nonproliferation treaty.

That is using the word can't as you can't do it and still be an upstanding honest nation. I don't think that is a real bar to Iran. We are told that the additional protocol is going to give us access, and I am going to get to that in a question.

Trust me there is a question in here somewhere. The—I want to commend the chairman for having these hearings because that is part of the effort of letting the administration know that they have to meet at least their own stated minimum objectives.

And finally, the administration will tell us that these inspections are the most intrusive ever. That is comparing these inspections to what we need to make sure the Netherlands doesn't develop a nuclear bomb.

We have to compare these inspections to what we need to prevent Iran from having a nuclear bomb. The question of what we do long term when a deal is—if a deal is submitted that the President submits to us and has accepted there are those who say we blow up the deal where does that leave us.

It leaves us with the whole world thinking that Congress is the unreasonable party. It leaves us with an administration that has taken the military option off the table.

It leaves us with Iran's centrifuges all intact rather than two-thirds to three-quarters dismantled. They are stockpiled, ready to go. They are a few months away and nobody wants to cooperate with us in international sanctions because the President has said that it is the Congress, not the ayatollahs, that are being unreasonable.

After all, the ayatollahs will have signed the agreement and Congress will have blown it up. But the other side of this is that we cannot approve the agreement and leave it to a future President and a future Congress to decide what to do in 2 years, 5 years or 10 years because as I think Mr. Albright has pointed out, this might be a good deal for 10 years, might even be a good deal for 13 years but after that it is a deal to put them, as Mr. Rademaker says, on the 1-inch line.

If I can sneak in a question—Mr. Albright, it took us 2 years to get into Fordow. Does the additional protocol and the NPT give us the kind of prompt access that we would need?

Mr. ALBRIGHT. No. No, no. It has to be supplemented. I mean, it can't be—Iran could slow down the inspectors. They could use managed access as an excuse to cover up things.

Mr. SHERMAN. How long could they delay us? They delayed us 2 years for Fordow.

Mr. ALBRIGHT. Well, it couldn't—it is going to be shorter than that but days matter and in some cases even hours matter. So you want prompt access.

You want to be able to get in the day you ask, for example, and you are going to need the deal to ensure that because Iran has been—is actively challenging the IAEA on its central mission within the—within the Board of Governors.

And so I think the deal is going to have to include the measures explicitly that provide for prompt access and Iran is going to have to sign the line so that if it doesn't then it is seen as a material breach of this deal.

Mr. SHERMAN. Thank you.

Chairman ROYCE. Chris Smith of New Jersey.

Mr. SMITH. Thank you very much, Chairman, and thank you again for calling this very important hearing. Welcome to our witnesses.

As we all know, the framework is a colossal retreat from the previous internationally agreed upon benchmarks designed to deny nuclear weapons capability to Iran. For example, U.N. Resolution 1929—to suspend all uranium enrichment—we now know that the framework would allow over 5,000 centrifuges and only limits research and development with advanced centrifuges—full cooperation of the IAEA inspectors, say the U.N. Security Council resolutions.

The framework, we now know, and the statements that have come out of high-ranking people from the ayatollah to Rouhani to high members of the military establishment, military sites are going to be completely off limits.

I mean, that is a deal breaker in and of itself. And then refrain from any activity related to ballistic missiles—U.N. Security Council resolutions, ballistic missiles aren't even on the table, which is a gross missing element in this entire thing.

Let me just ask a couple of questions. I met and talked to Zarif personally about the missing Americans and said if you want to show things had changed in Iran allow human rights to be respected in Iran for your own people but also for Saeed Abedini, Levinson, Hekmati, and Rezaian.

And I have had two hearings myself on Saeed Abedini and they are still being held. That is unbelievable. You know, even when Reagan walked away from Reykjavik in 1986 we had a robust, on the United States side, discussion with Gorbachev with lists of Soviet Jewish refuseniks and other human rights.

It was always on the table. I had Andrew Natsios, who is a leader of an NGO for a pro-human rights for North Korean NGO—and he said the delinking of human rights with North Korea was a major blunder on the part of the Clinton administration and it should have been. We got nothing on the nuclear side. If you can't treat your people well, why should we respect your word when it comes to something so existential as a nuclear bomb.

So my question is, is this a Pyrrhic victory? Are we on the threshold of a Pyrrhic victory when it comes to nuclear agreements? I think your Faustian bargain, Secretary Rademaker, was very well put. Does the Senate have the ability to deem this a treaty and treat it as such?

I looked into this and studied extensively, you know, the State Department has eight criteria—very vague—that they have asserted to call this an executive agreement. It seems to me that is all too cute because, obviously, the threshold of stopping it is reversed.

You only need one-third plus one to stop a treaty and even what Senator Corker has done, which was an outstanding effort, given our limited abilities, it seems, you know, he needs two-thirds to get it passed.

But why a treaty versus an executive agreement? Let me also ask you if you could—similarities with the North Korea deal, you know, how many do they have. I remember the hearings in this

room because I have been here a long time, 35 years, when some of the administration people from the Clinton administration were bragging how they were going to have an onsite inspection and it was going to be, like, 6 months down the road.

And I said, are you kidding me—you think in 6 months you will see anything? If they have it, it will be moved somewhere else.

And even the IAEA, in their report in February, they could not conclude there was no nuclear weapons-related activities taking place in the country due to lack of access, to documents, materiel, and personnel. I mean, there are no confidence builders coming from the Iranians.

We are fools, in my opinion, to suggest that this is going to be a deal that they will live up to, especially with the verification protocols so egregiously flawed.

So if you could speak to that, Mr. Rademaker.

Mr. RADEMAKER. Thank you, Chairman Smith.

Mr. SMITH. Could you add one last thing? If the Iranians procure a weapon from another state—they are very close to North Korea and we know there is cooperation going on—what does that do to the deal?

Mr. RADEMAKER. Okay. I will try to address all those questions. First, on the treaty versus executive agreement issue, you know, I am certainly sympathetic to the concern you are expressing but let me just say as the former chief counsel to this committee, you know, I think, you know, the legal issue is complicated.

There is a lot of precedent that the administration will be able to point to for not treating this as a treaty. So I think there is no chance whatsoever that they will agree to submit it in that manner.

So in order for there to be congressional review I think what Senator Corker and his colleagues in the Senate have come up with is as good as it is going to get. I wish it were a better mechanism.

I wish—I wish the Senate-approved mechanism would require approval by majority vote rather than disapproval, which, as you pointed out, ultimately requires two-thirds majorities in both Houses to override the predictable Presidential veto of the resolution of disapproval.

So it builds in a bias in favor of approval. There is no question about that.

But, you know, I think as a practical matter that is what is going to afford congressional review and, as we all know, the administration would be happier without even that level of congressional review.

The—on the North Korea issue I spoke to that in my testimony. The agreed framework with North Korea was another Faustian bargain. It was—it was defensible on the theory that the North Korean regime was probably going to collapse within 15 years.

That seemed like a reasonable expectation in 1994. It was proved ill founded. I am not sure there is any reasonable expectation that we are going to see radical change in Tehran over the next 10 or 15 years and in the end we were fortunate that we got out of the agreed framework because North Korea cheated on it and we caught then cheating.

You know, we can speculate here on what the Iranians will do. I guess I would submit that if I were the—well, if the Iranians are rational the thing to do for them is to bide their time, fully comply and then reap the benefits in 10 to 15 years.

Chairman ROYCE. And quit saying “Death to America,” if they were rational? Gregory Meeks of New York.

Mr. MEEKS. Thank you, Mr. Chairman, and I thank the gentlemen for their testimony. I have been running back and forth from different hearings.

But I traveled to Vienna not too long ago and had a conversation with the head of the IAEA because for me—and I guess my question, you know, is one can frame the potential deal as one that would eventually roll back some sanctions in exchange for a significant reduction of centrifuges and increased transparency, transparency being the key issue as well as the IAEA getting to do the work that they need to do and access.

Now, they told me that at least so far while the framework was being worked on Iran has lived up to whatever its commitments were.

But would you say that the key is what would allow an inspector to be satisfied in their work in verifying Iran’s implementation of a deal and is that where and what we should be pushing to make sure that there is, in this deal, this transparency issue? Is that—would you think that is the key here?

Mr. ALBRIGHT. One thing—when the IAEA says that Iran has lived up to its commitment it is talking about Iran’s commitments under the interim deal of the Joint Plan of Action, which are pretty minimal.

And so there is some questions, you know, of whether they are fulfilling their obligations in a timely manner if you look at the issue of newly produced 3½ percent enriched uranium.

There is also issues of are they processing the near 20 percent LEU. I mean, they—ultimately if it is going to be a violation or not they have to the end of some period of time under the interim deal.

But the—all these conditions on the interim deal are pretty minor and at the same time while it is complying with the conditions in this interim deal it is totally uncooperative with the IAEA on the big issue of the day—did Iran have a nuclear weapons program in the past, can the IAEA have access to military sites.

So in a sense, Iran chooses when it wants to comply and will often choose to comply on the minor things while, you know, uncooperative or noncompliant on the big things.

Mr. MEEKS. See, here is what my concern is and I have to rely a lot on the IAEA and I hope that the committee has a chance to go and talk again while—with some of those. I think that would be good instruction for all of us.

Chairman ROYCE. I have talked to the chairman too.

Mr. MEEKS. That would be great. But my concern is this, if we don’t engage for example. From what I understand, and you correct me if I’m wrong, back in 2003 Iran had 164 centrifuges and then by 2008 that figure was close to 5,000. In other words, the number of centrifuges increased by 30 times between 2003 and 2008.

And so what other alternatives—it seems to me by engaging we have rolled back the program. I don't know what the other alternative is if we don't continue to engage and try to work it out.

Mr. ALBRIGHT. Yes. I think engagement makes sense. I mean, I think that is the best way to proceed. You know, the obvious other option is—that Israel has exercised twice is to bomb facilities and I think that is one to avoid at all costs. So I think the engagement is the best one.

But the issue is, and I think Congressman Sherman raised it, is that if you get a bad deal or less than adequate deal you are probably going to—you are just delaying the time when they have nuclear weapons. So that is really—

Mr. MEEKS. So that is why I say the transparency issue was tremendously important. So then the question would be what are the minimal verification measures that you believe are needed in a final agreement to ensure that Iranian compliance would provide the high level of confidence that there is not a secret Iranian program?

Mr. ALBRIGHT. Well, there is a lot of them. I mean, it is a complicated deal. I mean, you need anywhere anytime inspections or at least approaching the anytime. You need the IAEA having its concerns about possible military dimensions of nuclear—of Iran's nuclear program resolved.

You need a very robust control over Iran's imports for its nuclear programs and other imports of key goods that could be used in a secret nuclear program.

I mean, there's a—I could go on and on and on. They are all—they all have been identified in the negotiations so it is clear what needs to be done.

But what you have, though, is at every opportunity Iran tries to erode the U.S. goals in these negotiations and—

Mr. MEEKS. Well, we have got a framework. We don't know what the final deal is going to be until we see it in writing on June 30th, correct?

Mr. ALBRIGHT. Right. And that is right, and so you can't judge it until you see it. I mean, I think some—you know, some trip wires have been crossed for some members and people in the expert community. I think I feel I have to see the deal in order to judge it.

Chairman ROYCE. Mr. Dana Rohrabacher of California.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

Let me just very quickly, if I could—is anything in this treaty so far that you understand, would that prevent or is an agreement by the mullah regime in Iran not to purchase a nuclear weapon from another source?

Mr. ALBRIGHT. I don't know if that's in there. It should be.

Mr. ROHRABACHER. Okay. You don't know. Yes.

Mr. ALBRIGHT. Yes, it should be and we've proposed language.

Mr. ROHRABACHER. I understand. No—yes or no?

Mr. RADEMAKER. I don't see anything about that in there.

Mr. ROHRABACHER. Okay. No? Okay. Well, that is the answer then, isn't it? The answer is here we are focusing everybody's attention on a nuclear treaty with this mullah—repressive corrupt bloody mullah regime when in fact even if we get the agreement

and even if they abide by the agreement they can buy a nuclear weapon from Korea or from some—how about Pakistan or some oligarch who happens to have gotten away with it as the Soviet Union was collapsing.

This focus, Mr. Chairman, on this treaty has done a great disservice to the people of the United States. It is giving us a false sense of security that it will mean something even if it is abided by in terms of the mullah regime which, of course, doesn't feel they have to keep their word to people like us.

Even if they do keep their word on the treaty they can easily obtain a nuclear weapon. Thus, during this time period all of these years that we have spent negotiating with the mullah regime they were playing us for suckers because we have refrained from helping those people—those many people in Iran who would struggle to rid themselves of the mullah regime's oppression.

There are Hazars. There are Baluch. There are Kurds. There are millions of young Persians who hate the oppression of this regime but yet because we have focused—we have let them focus on this treaty, which won't have any impact on whether or not the mullahs can get a nuclear weapon, we have been able—they have been able to prevent us from helping those people in their own society establish a government that will not want to have a nuclear weapon and will stop oppressing their own people.

This has been a great detriment to the security of the United States and the well-being of the West. I am beside myself when I hear this because we have spent so much time and so much effort in this when, indeed, we could have been helping the Baluch, we could have been helping the Hazaris, we could have been helping the young Persians, we could have been helping the Kurds and we could have rid ourselves of this—of this problem.

Mr. Chairman, we haven't even been able to confront the mullah regime in these last few years with their oppression of these people in the MEK, who are a democratic alternative to the mullah regime. But yet we haven't even been able to get ourselves to champion that cause.

I think this whole issue has been a big loser for the United States and I think that it is giving us a false sense of security. I would hope we wake up and figure that out. If any of the witnesses have a comment on that please go ahead.

Mr. RADEMAKER. Mr. Rohrabacher, I will just respond briefly. I think if an administration representative were here they would respond to your point about possible transfers of nuclear weapons by saying you should relax—we don't have to worry about that because Iran is a party to the nuclear nonproliferation treaty and they are forbidden under the nuclear nonproliferation treaty to either produce nuclear weapons or buy them, acquire them from someone else.

Now, of course, the same was true of North Korea back when we had the agreed framework with them up until the point where they decided they didn't want to be part of the NPT anymore.

Mr. ROHRABACHER. Right.

Mr. RADEMAKER. So, you know, I guess it comes down to how much you are prepared to rely on treaty commitments and we all

know treaty commitments are—they can be renounced by treaty—

Mr. ROHRBACHER. Let me associate myself with Mr. Smith's questioning. If indeed you have a regime that is so brutal to their own people—these are their own citizens, people that they murder and they brutalize people and they have, of course—believe they have a right from God to control this territory—any regime like that there is no reason why—I don't see why there is any reason for us to believe their word even if they write it down on a piece of paper that they are going to do something that is beneficial to us and they are going to refrain from doing something—from doing something that is harmful to us because they have given their word.

When they murder their own people, why should we—this is an act—this whole effort is an act of futility. We should be doing what worked with Ronald Reagan and the Soviet Union which is aiding those people through what he called the Reagan Doctrine who would—who will fight those people who are the enemy of freedom around the world.

And we can help those people internally and we should have been doing it all along when it comes to Iran.

Thank you very much, Mr. Chairman.

Chairman ROYCE. Thank you, and there is the legislation that myself and Mr. Engel have that will overhaul the Broadcasting Board of Governors, especially with a focus on transmitting information into Iran in the same fashion as was done during the 1980s into the former Soviet Union in order to give people access to views on political pluralism, on freedom of speech, on the real stories of what is happening inside that country as well as the rest of the world and that may do a lot.

At least, it did a lot in Eastern Europe to reach audiences. But it is—we need to all work to go on offense in order to get that tool of communication so that those inside Iran can hear information from Surrogate Free Radio. We now go to Mr. Ted Deutch of Florida.

Mr. DEUTCH. Thank you, Mr. Chairman.

Mr. Albright, I want to—I would like to start by thanking you for the analysis, the, I think, really thoughtful and helpful analysis that your organization recently published and it is from that analysis that I have a few questions.

There are a number of concerns that I have. I will just—I would like to drill in on a couple, though. The first is Fordow. You point out that the deeply-buried Fordow remains in operation but the number of centrifuges is reduced by two-thirds, no uranium for 15 years.

Both—those are good requirements. The fact that Fordow remains open is still a concern. So how do we overcome that concern? You point out that molybdenum would contaminate the Cascades so that you couldn't enrich uranium afterward but other more common isotopes would not contaminate centrifuges so that uranium enrichment could be rapidly established.

And you say unless additional limits are included in the agreement Fordow could be expected to reemerge as a substantial ura-

nium enrichment plant after year 15 with advanced centrifuges 10 to 16 times more capable than the current ones.

And if bans on producing 20 percent low enriched uranium sunset at year 15 then—and this is the point—this heavily fortified plant will be capable of producing enough weapons-grade uranium for a nuclear weapon within a few weeks or enough weapons-grade uranium for two weapons in less than a month.

What can be included in a deal that will help us overcome these concerns?

Mr. ALBRIGHT. A couple. One is that the limit on the production of the enrichment level limit should be permanent—that they wouldn't produce over 3½ percent.

My understanding from talking to people in the negotiations is that Iran has every intention to return to producing 20 percent enriched uranium after that limit sunset. So I think that, first of all, is a permanent limit. Another is that the—

Mr. DEUTCH. Wait. But hold on, Mr. Albright. Let us just—and it sounds—it certainly sounds reasonable. But they say they want to enrich uranium for peaceful purposes. To enrich uranium for use in a civil nuclear power program that would be enrichment to 3½ percent.

Mr. ALBRIGHT. Correct.

Mr. DEUTCH. So they wouldn't need—why would they need 20 percent enriched uranium? Just for research?

Mr. ALBRIGHT. Well, they would argue that they would need it for research reactors.

Mr. DEUTCH. Is there—and is there any other way for them to access the 20 percent enriched uranium? How much would they need for research reactors?

Mr. ALBRIGHT. Not very much, and they could buy it easily and so—and they also—it is not clear when they would build a research reactor. So I think it is a reasonable limit to maintain at 3½ percent and if they need more they can—they can acquire it internationally.

Mr. DEUTCH. And, again, I just—just to be clear because there is so much information it is so hard for us to get our arms around because there is just so much of it.

But the key argument that Iran make is that it wants to enrich uranium for a peaceful civil nuclear program and its focus primarily on nuclear power, and for that they would need to enrich to 3½ percent.

There is no need to enrich beyond that for their stated purpose to their program. Isn't that right?

Mr. ALBRIGHT. I believe so. I mean, they argue that they want to be able to produce their own fuel. I mean, and in fact one of the—but that argument is being undermined by how this deal was playing out.

I mean, Iran is planning to either dilute its enriched uranium—it has to go down from about 10 tons of 3½ percent down to 300 kilograms—planning to dilute it or sell it overseas.

And so I think that a lot of these future plans would be at a time when Iran would have been able to buy reactors internationally and would have depended on those suppliers for all its enriched uranium.

So looking out in the future I would see that Iran would have even less of a need for enriched uranium than it does now and Iran is shifting in the negotiations to say they have no need now.

In fact, it is one of the ironies of this deal, that you have U.S. agreeing to a nuclear program involving fuel cycle activities that has no need, and that is expressed by diluting down the low enriched uranium back to natural or selling it overseas.

So the idea that there would be even a practical need for an enrichment program has more or less disappeared. And so you have a program going forward that really has no purpose and so why would—and in the future it would also have no purpose and therefore it doesn't need to be expanded and certainly doesn't need to make 20 percent enriched uranium.

Mr. DEUTCH. I understand. Mr. Chairman, just, again, Mr. Albright, I want—I just want to be clear and I—and I have made that argument in the past.

There is ample opportunity for Iran to build out a nuclear energy program without enriching the uranium. We have had this discussion. The chairman has spoken about this at length.

But in a deal—we are talking about this framework and whether we can get to a deal and if a conclusion is drawn that all the limitations that are otherwise contained in the deal would be beneficial.

I just want to finish, again, by hammering home this key point that you make, that there is—there is no stated purpose for Iran to be able to enrich beyond 3½ percent, there is no—nor is there a reason that the P5+1 should acknowledge one. Isn't that right?

Mr. ALBRIGHT. Yes, I agree.

Mr. DEUTCH. Thanks, Mr. Chairman. I yield back.

Chairman ROYCE. Thank you, Mr. Deutch.

Mr. Darrell Issa of California.

Mr. ISSA. Thank you, Mr. Chairman.

I am going to take a slightly different tack but it may look a little bit like my colleague, Mr. Rohrabacher's, for a moment.

Mr. Rademaker, or Secretary, let us expand the question beyond just nuclear for a moment. During your tenure, was Iran a terrorist state?

Mr. RADEMAKER. Yes.

Mr. ISSA. Did—during your tenure did they in fact export destabilizing forces throughout the region, particularly to Arab states that were Sunni-run?

Mr. RADEMAKER. They were an active supporter of terrorist organizations such as Hezbollah and Hamas?

Mr. ISSA. But Hezbollah and Hamas—I was going to get to them. So we have got that one checked off. To your knowledge today, are they in fact backing the Houthi in Yemen who are currently trying to overthrow that government and one in which we are part along with the United Nations in saying that that is an unlawful act under the U.N. Charter?

Mr. RADEMAKER. So far as I know, the answer to that is yes.

Mr. ISSA. Okay. And you probably were not aware—we talked just briefly before this began—it appears as though there is effectively a stand down order coming from this administration to the Saudis and in fact a nuclear aircraft carrier, the Theodore Roo-

sevelt, doing circle 8's with binoculars offshore of Yemen, not stopping that terrorist organization—excuse me, that rebel organization backed by Iran—while in fact Iranian resupplies are going to that organization as we speak? Now, are you even a little bit aware of that current action as of today?

Mr. RADEMAKER. I have read reports about that, yes.

Mr. ISSA. So as much as I appreciate the details of a nuclear program that may or may not look good when we see it, we have a terrorist state actively supporting Hezbollah, including backing Bashar Assad, a regime that this President has called for regime change.

We have Hezbollah continuing to be a threat throughout the region. There is a call from Sheik Nasrallah for those Hezbollah to go to Yemen to fight on behalf of their Shi'a brothers.

We have Iran shipping resupplies to ensure that Yemen falls into Iranian control, Shi'a control and in fact becomes yet another threat to Saudi Arabia and other countries in the region, all of this going on while we are negotiating.

Now, I have watched the Cold War since the '60s. I was in the military throughout the entire '70s and the '80s as a Reservist. I saw Reagan negotiating with the Soviets.

What I didn't see is this kind of active combat in which U.S. military personnel are risking and losing their lives in Afghanistan, in Iraq, soon to be in Yemen in all likelihood along with our allies.

This is not a cold war. This is a very hot war in which people are dying in these countries including the 200—whatever the number now is, 300,000 perhaps, in Syria because of Iranian activity.

What part of this deal—to any of the three of you, what part of this deal will in any way reduce the activity of Iran in these and other areas? And I only say one thing to caveat the question.

When we give them access quickly to \$100 billion or more of locked up funds what part of this deal is going to reduce any of that activity?

Mr. RADEMAKER. I think, Congressman, you know the answer to that question. There are no—

Mr. ISSA. But do the American people know the answer, that in fact what we are going to do is take a terrorist state that is destabilizing, causing Americans to die now as they did when they provided advanced IEDs in Iraq where we had soldiers on the ground a decade ago?

What part of this deal is good for America and what part are Americans going to die if part of our Iranian deal is not in fact to stop this activity?

Nuclear or no nuclear, what part of a nuclear deal isn't going to effectively say to them okay, as long as you play nice and abide by this 10-year before you can have a nuke, as long as you do that we are going to let you continue to destabilize Arab nations, to cause Americans to die, to cause our allies to live in fear and to cause our allies to want to beef up their militaries both conventionally and nonconventionally? That is my question for each of you.

Mr. RADEMAKER. Speaking for myself, I didn't come here to defend the deal so I am not going to quarrel with—

Mr. ISSA. But your knowledge is a combination of nuclear non-proliferation. But it is also the reality that just not having a nuke

it doesn't solve all problems and ultimately a deal to not have a nuke, even if this is a good deal—and I don't think it is—doesn't it effectively imply that we will not go in and bomb them, intercept their military, et cetera, because right now it looks like that is what we are doing.

It looks like President Obama and the Department of Defense is playing careful with Iran while in fact Saudis are dying, Yemenis are dying and America is looking impotent off the coast.

Mr. RADEMAKER. I guess—I know we are out of time but just to sort of comment generally, you know, I think, obviously, the United States has multiple issues with Iran.

The nuclear issue is one of them, terrorism. I mean, there are half a dozen—the human rights issue that Congressman Smith was talking about.

Mr. ISSA. I would just like to get our Embassy back in control and not held by them.

Mr. RADEMAKER. The—but the concept of this negotiation is that these issues can be compartmentalized and we can try and solve one of the issues without doing—

Mr. ISSA. So it is your position—

Mr. RADEMAKER [continuing]. Without solving others but without—

Mr. ISSA. So it is your position we could intercept and if necessary sink the weapons that are being sent to Yemen—as we speak will continue to negotiate a nuclear disarmament treaty with them, or deterrent?

Mr. RADEMAKER. That appears to be where the Obama administration is in its policies, right. They have a ship that is threatening to do that. Meanwhile, their negotiators are meeting.

I guess—but the concept is compartmentalization but, you know, especially like when we look at issues such as the cash transfer. You know, I think it is fair to ask.

You know, in trying to solve one of these problems are we in fact making other—you know, the problems we have in some of the other areas far more serious by, you know, enhancing the resources available to the Iranian Government.

Mr. ISSA. Thank you. Mr. Chairman, could we briefly have the other members of the panel answer, if they could?

Chairman ROYCE. Well, we can do that in writing. But at this point we are going to need to go to Mr. David Cicilline of Rhode Island. Thank you, Mr. Issa.

Mr. CICILLINE. Thank you, Mr. Chairman, and thank you to all our witnesses for being here to really discuss a very, very important issue and we all, obviously, will have to make an assessment about a deal if a final agreement materializes. But as is often the case, the devil is in the details and so this hearing is helpful in terms of understanding what we should be looking for and what we should be pressing for.

And if there is any—if the public statements made by both sides with respect to this framework are accurate there seems to be considerable space between the two parties still.

But I want to just start with Mr. Duelfer. You said that the—in your testimony that you thought the sanctions relief should be sort of upside down from what it is, that it shouldn't be IAEA that

has to prove something but there should be compliance before any sanctions relief and at least in the summary that has been provided by the administration that is exactly how it does work because it says that after the IAEA has verified Iran has taken all of its key nuclear-related steps then sanctions relief is appropriate.

So you can quarrel about whether or not we can verify that but at least the framework for the agreement is the order that you suggested, that they first determine that there has been compliance and that the actions have been taken by Iran before relief can be granted.

Mr. DUELFER. Sir, what you describe is correct at the front end. The initial relief of sanctions they talk about is contingent upon the IAEA being able to verify some set of standards.

But the continuing verification that Iran continues to abide by its obligations in that period of time it is when the leverage is flipped.

Mr. CICILLINE. I see. So you are suggesting that that same burden shifting should happen throughout the agreement?

Mr. DUELFER. I am just observing that the IAEA is going to be in a very weak position and we shouldn't kid ourselves about that.

Mr. CICILLINE. And Secretary Rademaker, you said in your testimony that at the end of 10 or 15 years there are no restrictions. At the end of the 10 or 15 years there are both enhanced protocols and safeguards and membership as a party to the NPT which are in place, which presumably Iran could violate.

But if that were the case, are there any options that are not available then that would be available today? In other words, the agreement doesn't restrain the United States if there is a violation after 10 or 15 years to take whatever action the U.S. or the P5+1 thinks is necessary, correct?

Mr. RADEMAKER. I think it is a little bit more complicated than your question is suggesting. First of all, I mean, there are under this agreement some restrictions on, for example—

Mr. CICILLINE. And are permanent?

Mr. RADEMAKER. They are permanent. They are on, you know, plutonium production, for example, which are, you know, useful concessions by the Iranians. I don't mean to downplay that.

But I do think after 10 or 15 years we give up on—we will have surrendered today on our ability to implement then what has been the centerpiece of our policy for the last 20 years, which is to try and apply economic and political pressure on Iran not to be a nuclear weapons threshold state and not to, you know, put itself in a position where it can easily at the drop of a hat break out of the nuclear nonproliferation treaty and deploy dozens of nuclear weapons.

Today, we have a whole range of sanctions in effect. What is being promised in this deal is if they abide by the terms for 10 to 15 years the restrictions that are specified, at the end of that the vast majority of those restrictions evaporate.

And especially in the enrichment area they can do whatever they want and we are giving up the right to complain about that and, you know—

Mr. CICILLINE. Okay. Thank you. I understand. Thank you.

Mr. Albright, I want to ask you, you mentioned in your testimony the challenges of inspections with respect to any place, any time—

that there seems to be no agreement yet on what that inspections regime would look like.

And so my question is, is any place any time the only inspections regime that would work or is there something between that and what is currently being discussed that would provide the kind of assurances that we need—a notice, some quick opportunity to inspect, and when you said IAEA should not be the determinant body for violations do you have a recommendation of who should be.

So both can we have an inspections regime different than any place any time? Is that the only one that you would recommend that could be successful or—and who would do these determinations with respect to violations?

Mr. ALBRIGHT. Yes. I think at this point in time I don't see anything but the—approaching any time but, certainly, anywhere and I don't see an option, given the history of the inspectors with Iran.

The additional protocol is just not enough and so, of course, how that has worked out is probably going to be complicated and there will be some compromises but it has got to err or end up much closer to the any time. And, now, in terms of the compliance I don't have a good answer.

I mean, it just—I just think in our work on this, and looking at the JPA issues, the IAEA is not a good—we shouldn't depend on the IAEA to make that fundamental determination. I think in the end the United States is going to have to make it.

I mean, that is going to be key that there is a process where that can be done and Congress has a role in it. The P5+1, I think, is going to have to form a commission that is going to have to be able to make those kind of determinations.

But the—but the IAEA is going to have to report and we are going to have to expect honest reporting and hard-hitting reporting, better than what they have done in the JPA. I mean, what they report on the JPA is a minimal amount and they don't decide on compliance at all, and they are not even giving the information publicly to really determine what is going on.

Mr. CICILLINE. Thank you. I thank you.

I yield back, Mr. Chairman.

Chairman ROYCE. We go now to Mr. Jeff Duncan of South Carolina.

Mr. DUNCAN. Thank you, Mr. Chairman, and as chairman of the Western Hemisphere Subcommittee let us not forget that Iran is very active in the Western Hemisphere as well.

I would like to yield some time to the gentleman from California to have his question answered. He was on the right track.

Mr. ISSA. I thank the gentleman, and Mr. Albright, I think you were—you had your finger on the button but I would like to give both of you an opportunity to talk about what \$100 billion and essentially an agreement not to take extreme action if Iran continues to do what it is doing in the other areas in which there are some historic sanctions.

Mr. ALBRIGHT. Yes. My answer is probably predictable. I mean, my group ultimately comes out of the arms control community and I was active in the '80s on arms control at other organizations.

I think you do need to keep countries from building nuclear weapons and in the Cold War the U.S. had a vital interest in limiting the threat posed by Soviet nuclear weapons.

So I think on its own merits arms control is worth pursuing. But we have to recognize that this deal with Iran is essentially an arms control agreement and it will have a limited duration, and so we should recognize that and work around that.

Mr. ISSA. But the question—the question really was, and I will paraphrase—I will phrase it this way—during the H. W. Bush administration in return for support in the first Gulf War, George H. W. Bush essentially gave Lebanon over to the Syrians and said, we won't interfere and the Syrians moved in and essentially ran that place for years and years until the assassination of the late Rafik Hariri.

But it was Arab on Arab. It was a country and another country that had once been part of the same region. Today, Iran, a Persian-Shi'a regime with a very different view, is in fact dominating Syria, Lebanon, now Yemen—is effectively controlling Iraq.

And I don't want to take any more of Congressman Duncan's time. But this deal—the important thing that I hope that I will get—and I will give one more chance—what is not in the deal is anything that says we are going to aggressively do what we need to do, which includes bombing weapons on the ground in Iran if a plane is about to take off to supply people from Yemen, sinking that ship that is heading in.

Those questions are questions that will need to be resolved if you are certainly going to get the support of most people on this dais. If you have got a comment on it I would appreciate it because I appreciate the nuclear—I know that is what it is about.

But if we give a green light to Iran and \$100 billion we know exactly what they will do because for three decades they have been doing it. Please.

Mr. DUELFER. Three quick points. One is in the case of Iraq sanctions contained Saddam. They were a tool of containment. In this case, as you point out, we are releasing resources to Iran.

Second point is I don't know where this all fits in the overall strategy with respect to Iran. I mean, as many people have asked questions along that line I have not heard that. I mean, yes, we can argue about access and weapons, breakout potential and so forth. But where does all fit in the long haul?

Finally, I think, and related to this, you really need to hear from Jim Clapper. You need the intelligence community. I have been in, you know, the U.N. side. I have been in the intelligence side.

But, you know, weapons inspectors can—you can learn a lot from that but there is other sources and methods as well and, you know, he is the one who is going to be able to answer the question, you know, what level of confidence are we going to have that we can see Iran breaking out.

Mr. ISSA. Thank you, and I thank the gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN. I reclaim my time.

Mr. Chairman, I just don't think the majority of the American people agree with the Obama administration that this—that this deal will lead to a nuclear bomb. The American people don't want

to see Iran with a nuclear bomb and regardless of whether that is next year, whether that is 10 years or 15 years down the road.

In fact, 367 Members of Congress wrote a final comprehensive nuclear agreement must constrain Iran's nuclear infrastructure so that Iran has no pathway to a bomb and that verifiable constraints on Iran's nuclear program must last for decades.

I stand by that today. That ought to be the position of the United States Congress in approving any deal that is brought before us by the Obama administration. The problem is, and I agree with the New York Times on this—hard for me to say—but their analysis said that the one problem is there is two versions of this.

You have got the version that the Obama administration has shared with the American people and then you got a version that Iran has rolled out of what this framework looks like. I would just end with this.

As recently as April 19th, General Hossein Salami, deputy head of the Iranian Revolutionary Guards Corps, reiterated this, in his words: "They," meaning the inspectors, meaning the U.S. and the U.N., "they will not even be permitted to inspect the most normal military site in their dreams. Visiting a military base by a foreign inspector would mean the occupation of our land because all of our defense secrets are there. Even talking about that subject means national humiliation."

If that is the position the Iranians are taking in this, this whole negotiation of the P5+1 is a farce, with Iran hoping to enter the nuclear community and have a bomb. The problem with Iran entering the nuclear community is they are unlike any other nation that has the bomb to this day.

They have urged and pledged death to America and death to Israel. That make Iran different. That is why it is imperative that they do not get a nuclear weapon.

And with that, Mr. Chairman, I yield back.

Chairman ROYCE. Thank you, Mr. Duncan.

We go now to Dr. Ami Bera of California.

Mr. BERA. Thank you, Mr. Chairman.

This committee and this body, Congress, has been pretty unanimous in, you know, our voice ratcheting up sanctions and in fact when we spoke with that voice we accomplished what we wanted, which is to make Iran feel the pain and bring them to the table.

Obviously, you know, I commend the administration for taking the ball from there and negotiating but, you know, my big concerns with the framework are given our history with Iran, given Iran's actions in the Middle East and around the world, we can't use the phrase "trust, then verify."

We have to start from a place verify, and if you are doing what you are supposed to be doing then you will get trust over time. And, again, that is my perspective.

So maybe, Mr. Albright, thinking about it from that perspective—verify and then trust—what are the minimal verification measures that you believe are needed in a final agreement to ensure Iranian compliance?

Mr. ALBRIGHT. I think the first thing is I agree with you. I mean, it is—this is not about trust because Iran has been so noncompliant and noncooperative that it is impossible, and Iran has created that.

I think the IAEA tends to give people the benefit of the doubt initially, and then over time becomes more vigilant and resistant. So I think the trust is way down the road. Now, in terms of minimal things, I think there are two parts to this.

One is what do you want up front before the key economic and financial sanctions are relieved. And so I think there is a whole list of things that Iran has to commit to up front—anywhere anytime inspections would be one. Creating this procurement—verified procurement channel is another.

But I think one of the most important is it has got to provide some concrete evidence that it had a nuclear weapons program or acceptance of that position and is open enough to the IAEA that they can make a preliminary determination that yes, it existed in the past and it doesn't exist now.

Again, they will have—in the longer term they are going to have to do even more things that are going to require Iranian cooperation.

But I think in the short term there has to be some fundamental answers to whether this program is indeed peaceful and part of knowing whether they had a program in the past and that Iran, at least if it doesn't have to do a mea culpa, at least acknowledges it in some way and it could acknowledge it by accepting an IAEA determination that there was indeed a program.

Mr. BERA. And in your sense is there enough in the framework at this juncture that allows us, again, going from the framework of verify first that gives us unfettered access?

Mr. ALBRIGHT. No. No, no. There is too many issues unresolved.

Mr. BERA. Okay.

Mr. ALBRIGHT. That it is just impossible to judge. I mean, I think—and then also I think we have to realize the—in the Washington context I think the administration has been, you know, better than I in a battle with Congress on this issue and I think they have rounded some edges and exaggerated some of the points where maybe parameters agreed but the details really matter and there is fundamental disagreements over some of these issues that have to be resolved in the negotiations.

Mr. BERA. Again, I think if we are doing our job as Members of Congress and members of the Foreign Affairs Committee this does have to be a partnership with the administration and the administration does need to work with Congress, from my perspective, and it does start with having these tough measures of verification.

I do have real concerns if there is immediate sanction relief based on an agreement because an agreement is not actually demonstrating what you are going to do. I would like to see them demonstrate that accessibility, that unfettered access, before you even start considering the sanctions relief.

Mr. ALBRIGHT. But that is—at least on the economic and financial that is the intention of the administration is that these key nuclear steps would have to be dealt with and then you could have the sanctions come off. So I think the administration's position going into this is a pretty sound one. The question is what is it going to get in the end.

Mr. BERA. It is sound but, you know, again, unless I am mistaken I have heard some rumblings that there may be some—you

know, if the framework is agreed to and signed on there may be some immediate sanction relief, which worries me.

Again, agreeing to a framework and actually doing what you agreed to are two different things. I want to see them do what is—they agreed to, allow us or allow the inspectors unfettered access.

As you said, have some culpability on what their past programs were, and then once we have verified at that juncture, you know, provide some relief. Again—

Mr. ALBRIGHT. I think—sorry, I didn't mean to interrupt.

Mr. BERA. No, go ahead.

Mr. ALBRIGHT. Yes. I think this—I think it has been stated here it is like a signing bonus. I mean, Iraq has been getting money—some of its assets relieved all along in the interim deal.

So I think that is—this signing bonus is a continuation of that. It is not the sanctions coming off, and so one should argue about that for sure. I mean, it is a lot of money and it is a new twist to arms control in a sense to have—you know, have big payoffs for signing an arms control agreement.

But in terms of the sanctions themselves, Iran has to meet conditions under the U.S. position and my understanding is Iran is obviously balking at that.

But the U.S. position and the P5+1 position remains firm that those conditions have to be satisfied before there will be sanctions relief.

Mr. BERA. And I would urge that the administration take a tough stance here—

Mr. ALBRIGHT. Yes.

Mr. BERA [continuing]. On that and not back down from that. I yield my time back.

Chairman ROYCE. Okay. We go to Mr. Lee Zeldin of New York.

Mr. ZELDIN. Thank you, Mr. Chairman, and I thank our witnesses for being here today.

First, with regards to a treaty, I am someone who believes that the President is negotiating a treaty it should be treated as such.

I believe our Founding Fathers would agree with that. The President would try to argue precedents. We have the Constitution of the United States which I believe has a process in place that should be respected.

As far as sanctions, the President talks about snap back. For a sanction, that may take several years to put into place. I think in reality it is Fantasyland if you think you can just click your heels back together and sanctions that take that long to put into place if Iran has a violation that all of a sudden they are just going to be snapped back.

And I think that my constituents, the American people, are starting to catch on to that. It is important to understand where we are right now.

The President, just 3 weeks ago, he announces a framework agreement. He puts out a fact sheet. Within 24 hours, the Iranian foreign minister is on his official Twitter feed calling it just a spin. The ayatollah is on the streets chanting "Death to America."

In order to have an agreement, both sides have to agree to material terms. We are talking about a framework as if the Iranians actually agree to it.

I think that one of—one thing that might have been agreed to 3 weeks ago at the table is that both sides were agreeing to go back to the their home countries and spin wherever they thought we were at that moment—this moment in these talks to whatever best serves their own domestic politics.

I have concern about critical components where if there is no agreement that it can be worded in a broad vague way for each side to interpret the agreement differently. And we may be presented an agreement in English that may not be accurately translated.

So there are multiple levels to the complication. So we may be interpreting an agreement that the Iranians interpret completely differently. We already know what the President is going to say.

If he reaches an agreement, no matter what the agreement says—he may say this agreement is good for the United States, good for our allies and good for the safety of the entire world, he may say compliance will be certified by the International Atomic Energy Agency.

That sounds familiar? Those were Bill Clinton's words in 1994, October 18th, announcing a nuclear agreement with North Korea and we all know how that turned out. What else will he say?

He will tell us this is a good deal that prevents Iran from having a nuclear weapon. Well, what isn't included in this deal? We aren't talking about Iran, state sponsors of terrorism.

We are not talking about their work to overthrow foreign governments, pledging to erase Israel from the map, chanting "Death to America." This doesn't include their development of ICBMs or their unjustly holding and imprisoning United States citizens.

Right now, a lot of people—a lot of our constituents are watching the playoffs. Basketball is going on and hockey. These are seven-game series. The first team that wins four wins the series and you move on.

The President is—I mean, this is like the number-one seed—the United States of America—we are going up against a mediocre Division II basketball team and we decide to give up our first three games.

We are now trailing in the fourth game. The President should call a time out. He should take a walk, take a breath and come back with a stronger hand.

This is the United States of America. There is no reason that we should be playing as if these are our equals and it is not that hard for him to do that.

My question for our witnesses here this morning is this. There was some chatter about legislation and one proposal that these talks require Iran to recognize Israel's right to exist.

With the ayatollah in the streets chanting death to America while these negotiations are going on, blowing up mock U.S. warships and everything else they are doing wrong, should these talks include Iran recognizing America's right to exist?

Mr. RADEMAKER. I mean, I have not heard that they dispute America's right to exist. So, you know, I don't know that that needs to be established as a precondition. You know, on the question—

Mr. ZELDIN. With all due respect, they are in the streets chanting "Death to America."

Mr. RADEMAKER. Right.

Mr. ZELDIN. I mean, they are—I mean, they are blocking—blowing up our warships. I mean, there is plenty of evidence that they are not recognizing our right to exist. When they are chanting “Death to America” that is pretty much—when it is coming from the ayatollah indicating that they are not recognizing our right to exist.

Mr. RADEMAKER. This goes back to the issue of compartmentalization that we discussed with Congressman Issa, that—I mean, the philosophy of this negotiation is we can, you know, okay, set aside the issue of Israel, set aside the threats against America over political issues.

We are just going to focus on the nuclear issue and try and solve that and hope that in solving that we don’t compound the problems in these other compartments. It is a legitimate question whether that is doable.

On your point about the—you raised the question about the treaty, whether this is a treaty, and I had spoken to that earlier and let me just say, you know, the political reality is the President is not going to submit this agreement to congressional review unless Congress passes a law requiring him to do so. And that is what they are working on over in the Senate and hopefully that is what this committee will be able to work on at some point in the future. But, you know, absent the enactment of legislation I don’t think you are going to have any meaningful congressional review at all.

Mr. ZELDIN. And just with the sake for of my time because it is expiring, I don’t believe that Congress has to because you just hold out the Constitution of the United States. This is a treaty, in my opinion.

This is a treaty. We don’t have to pass something that requires the President to do that. Just because the President is going to play by his own set of rules and he is going to get played at the negotiating table doesn’t mean that we and I need to play along—that my colleagues need to play along as well.

I yield back the balance of my time.

Chairman ROYCE. We go now to Gerry Connolly of Virginia.

Mr. CONNOLLY. Thank you so much, Mr. Chairman, and welcome to our panel.

Mr. Rademaker, does Congress get to declare what is and it not a formal treaty pursuant to the Constitution, in your experience?

Mr. RADEMAKER. The Congress can express opinions but, you know, there is a formal process that involves the submission by the President—

Mr. CONNOLLY. Correct.

Mr. RADEMAKER [continuing]. Of the text to the Senate.

Mr. CONNOLLY. Correct.

Mr. RADEMAKER. And if he doesn’t do that there is nothing before the Senate to reject.

Mr. CONNOLLY. Correct. Thank you. So my friend from New York can decide on his basis that something constitutes a treaty but actually the Constitution is kind of vague about that. I mean, we don’t have a formal definition.

Mr. RADEMAKER. Yes, and can I just add?

Mr. CONNOLLY. Yes, sure.

Mr. RADEMAKER. So then the in between thing that Congress can do is it can sue the President.

Mr. CONNOLLY. Of course.

Mr. RADEMAKER. And it happens all the time and pretty consistently what the courts say is, you know——

Mr. CONNOLLY. You work it out.

Mr. RADEMAKER [continuing]. It is interesting but Congress needs to stand up for itself.

Mr. CONNOLLY. Correct.

Mr. RADEMAKER. Don't ask us to do your work for you and so that is—then you come back to the question of legislation.

Mr. CONNOLLY. Now, with respect to that issue, are there in fact lots of executive agreements with foreign countries not formally ratified by the U.S. Senate?

Mr. RADEMAKER. Yes.

Mr. CONNOLLY. Lots?

Mr. RADEMAKER. Many, yes.

Mr. CONNOLLY. Many?

Mr. RADEMAKER. There is a formal—you know, there is a law that requires executive agreements to be transmitted to Congress and, you know, Case-Zablocki Act and every few months——

Mr. CONNOLLY. Right.

Mr. RADEMAKER [continuing]. We will get a long list of treaties or—I am sorry, of executive agreements with their text.

Mr. CONNOLLY. Correct. So it is hardly unprecedented. We might all express an opinion about the desirability of it being submitted to us for formal approval as if it were a treaty. But that is a different matter.

So to assert that it is violation of the Constitution is in fact on its face false because the Constitution is silent as to what constitutes a treaty and I think—I thank you for your answer.

It really requires the President to take an action to submit as if it were a treaty to trigger that provision and I might even agree with my colleague that it ought to be considered as a treaty but that is, frankly, immaterial and it is not a violation of the Constitution, though we might say otherwise.

My colleague—another one of my colleagues said a little earlier in this hearing, “The President is doing the U.S. a great disservice engaging in negotiations.” Mr. Albright, is it your position that be are—we have made a mistake just to even engage with them?

Mr. ALBRIGHT. No.

Mr. CONNOLLY. Mr. Rademaker?

Mr. RADEMAKER. No. I don't think that is a mistake.

Mr. CONNOLLY. Mr. Duelfer?

Mr. DUELFER. Well, I don't how long you continue in them if you don't—if you are not getting what you want. But no, to talk to your enemies makes perfect sense.

Mr. CONNOLLY. Okay. Thank you.

One of the criticisms, and I am not unsympathetic to it, is that the agreement in front of us or the framework of the agreement that will be in front of us does not address a whole panoply of issues we care about with respect to Iran.

So everything from human rights violations to intrusive insurgent support for elements we don't support in the region to internal

democratic issues to freedom of the press, freedom of expression, on and on.

Is it your position, Mr. Albright, that a nuclear agreement ought to be all inclusive with respect to bilateral issues?

Mr. ALBRIGHT. No.

Mr. CONNOLLY. Mr. Rademaker?

Mr. RADEMAKER. I think as a practical matter it will be impossible to resolve all issues at one time in one negotiation.

Mr. CONNOLLY. And yet, I would just say to you I couldn't agree with you more. I think in an ideal world I would love to work out all those issues.

But right now the big issue on the table is we don't want a nuclear Iran and we got to start somewhere. We haven't talked to each other, virtually, since 1979 and well, it is a matter of opinion whether we are better off with this agreement than no agreement and that is a perfectly legitimate subject for debate.

But the idea that it ought to be all inclusive, which seems to be some of the criticism one hears from the critics, I think, you know, in an ideal world, yes. In a practical world, no. I mean, we can't—I wish we could do that but we can't.

Mr. Duelfer, would you agree or not?

Mr. DUELFER. Well, I just—I haven't heard what the overall Iran strategy is and I think that is—you know, if somebody could articulate that well I think that would benefit everyone including the nuclear negotiations.

Mr. CONNOLLY. Do—and final question because I am going to run out of time, the interim agreement that is still operative right now are we better off with that or would it have been better not to enter into it? Mr. Albright, Mr. Rademaker, Mr. Duelfer? And I yield back.

Mr. ALBRIGHT. No. It was a good—I think it was a good way to start the negotiations and grab some quick restraints that deal with the things that bother us most and then—and then move on to the long-term negotiation.

Mr. CONNOLLY. Thank you. Mr. Rademaker.

Mr. RADEMAKER. I, largely, agree with that although I think I would add that we would be better off leaving in place the interim agreement than entering into what seems to be about to be signed onto.

Mr. CONNOLLY. Mr. Duelfer?

Mr. DUELFER. I think the end deal drives everything.

Mr. CONNOLLY. I can't hear you.

Mr. DUELFER. The end deal will drive everything.

Mr. CONNOLLY. Yes. But I mean—but if we hadn't—but nonetheless are we better off with this interim agreement than if it had not come into existence?

Mr. DUELFER. In other words, the option would have been walking away and assuming that sanctions would stay on?

Mr. CONNOLLY. Yes.

Mr. DUELFER. It is a tough call.

Mr. CONNOLLY. Tough call. And finally, Mr. Chairman, before I yield back I just want to note—we haven't had a chance to get into this but that is another question. How do we hold together the coalition to enforce sanctions if we walk away from this agreement?

I have grave reservations about whether we can hold P5+1 together. We may want to keep the sanctions and even double down on them. I am not sure our partners would. Mr. Chairman, thank you.

Chairman ROYCE. We go now—thank you very much, Mr. Connolly.

We go now to Ted Yoho of Florida.

Mr. YOHO. Thank you, Mr. Chairman. Thank you, gentlemen.

I want to start with a quote from John Kerry in the Washington Post. It says,

“If Iran’s nuclear program is truly peaceful it is not a hard proposition to prove. The only reasonable conclusion for its stonewalling of international investigators is that Tehran does not—does indeed have much to hide.”

And then President Eisenhower back in the late '50s, early '60s said Atoms for Peace program, one lesson is clear—civilian nuclear programs flourish only through cooperation and openness. Secrecy and isolation are typically signs of a nuclear weapons program.

And I think it is very evident that they have been very—not willing to be forthright and allow the inspectors in there, and then my question is this. Without the sanctions, in your opinion would Iran have weapons now or eventually? Yes, all three of you real quick.

Mr. ALBRIGHT. I think they would have had them by now without all the—

Mr. YOHO. Are we all in agreement with that?

Mr. ALBRIGHT [continuing]. Negotiations and sanctions. I think the negotiations by the Europeans in the early 2000—

Mr. YOHO. Okay. I just—I need a quick answer here.

Mr. DUELFER. Yes.

Mr. YOHO. Mr. Duelfer? All right. With the sanctions in place, in your opinion would Iran have nuclear weapons eventually?

Mr. RADEMAKER. I think they have put themselves on a trajectory where—yes.

Mr. YOHO. I have sat here for 2 years and I have heard experts like you—not saying you—saying that Iran was 6 months to 1 year from having enough fissile material for five to six weapons. So with the sanctions in place we have already moved to this direction.

And then my last question for this is with the U.S.-Iranian nuclear agreement will Iran have nuclear weapons eventually?

Mr. ALBRIGHT. I don’t—I think it is an open question. It is a challenge. I mean, this isn’t over when there is a deal. It is going to require lots of work.

Mr. YOHO. But we know the sanctions—we know the sanctions go away in 5 to 10 to 15 years because I have heard all kinds of numbers. How about you, Mr. Rademaker?

Mr. RADEMAKER. I think we don’t know what their ultimate intentions are but as I stated in my prepared testimony this agreement puts them on the 1-inch line so that it is purely a decision on their part whether—you know, if they decide they will almost automatically have them.

Mr. YOHO. Mr. Duelfer, what is your—

Mr. DUELFER. If they want one they can have one.

Mr. YOHO. And the point I want to bring out here, if we had no sanctions they would have one. If we had sanctions and they had been working here why else would you have the secret—all the secrecy that they have done, all the development that they have done?

They have moved in this direction and the experts again have told me they are going to have them, and then with this agreement we are pretty much saying you can have one in 10 to 15 years. And what I don't hear is why are we not preparing for the day that they have one.

We are spending and wasting time trying to prevent that which we can't instead of preparing that which will be and I think the American people and our national security would be better served if our focus was on the day that Iran has a nuclear weapon and talk about the responsibility of a nation that has nuclear weapons.

I mean, I can't think of a more rogue nation than North Korea and I think our focus in time should be spent for that day because they are going to get it. And I would hope they don't but, again, I see them getting that and, you know, the whole idea—and Mr. Zeldin brought this up—of the snap back. I think that is a joke because if I were to ask you to take us through a snap back process when that times comes, when you look at what Iran has done over the course of the last 30 years—lie, deceit, deception—we know that snap back is going to have to be put in place.

How long of a process would that be to say all right, you have broken the—you have violated the agreement. How long of a process would that be for snap backs to go in place to stop their development?

Mr. RADEMAKER. I think that will totally depend on the deal—I am sorry, on the terms that are worked out. But let me just say to the extent we are talking about U.N. sanctions, I will be astonished if the mechanism doesn't require an affirmative vote of the U.N. Security Council to implement the snap back.

Mr. YOHO. I mean, we are talking months if not years to even say all right, they broke that.

Mr. RADEMAKER. And it is also requiring, among others, the consent of Russia and, you know, as a country that is under U.S. sanctions today their appetite for imposing sanctions on others is, I think, much diminished from what it was in the past.

Mr. YOHO. With the sanctions already in place you got continued illicit procurement. China, the UAE, Turkey are supplying with stuff they are not even supposed to be buying. So to think that they are going to abide by an agreement I think is a joke and that our nation would be better served to prepare for that day and change our policy in that direction.

I yield back and I thank you for your time.

Chairman ROYCE. We go now to Mr. Alan Lowenthal of California.

Mr. LOWENTHAL. Thank you, Mr. Chairman, and I thank the witnesses for your testimony. I have learned a lot.

I would like to kind of zero in a little bit more in depth in terms of what really the purpose is. We are not—I am not concerned from the panelists about the contents of the framework of the final deal but of the verification process—can we verify.

And so my first question is the inspection is being done primarily by the IAEA. Is that not correct? The question is do they have the resources to do what we are going to be asking them to do and who will provide these additional resources and if it is not in terms of the inspection how would you verify?

I don't want to hear about whether it is a good deal or not. The question is how would you propose to verify that the Iranians are not complying with the deal?

Can the—first of all, can the IAEA do it and if not what resources are they going to need to do it and who is going to provide those resources?

Mr. ALBRIGHT. Yes. They are certainly going to need a lot of resources and sometimes the inspection requirements aren't rational and so but they still would have to do them and it would cost them money.

So the member states of the IAEA including the United States are going to have to provide money.

Mr. LOWENTHAL. Has that been provided already?

Mr. ALBRIGHT. I think it would be. But it is—they are getting more money to implement the monitoring of the interim deal. But I think, more importantly, is they are going to have to get some clear mandates of what they can and can't do and in this case that they are going to be able to do more and that is going to have to come probably from the U.N. Security Council. It will have to have support from the member states.

Mr. LOWENTHAL. Well, what mandates would you give?

Mr. ALBRIGHT. One is I would give a much stronger mandate to look at Iran's illicit procurement and to verify that they are not—they are not buying things illegally that could be used in a covert nuclear program and that there is—they are limited in doing that and Russia, in the negotiations, has opposed giving the IAEA more mandates.

But I think that needs to be overturned or resisted by the United States and have the IAEA being able to do more. And a lot of it is it bolster their ability to investigate.

I mean, finally, the U.N. experience in Iraq in the '90s was to create investigators, not verifiers, in a sense—that you have a more aggressive, more analytical capabilities to be able to ferret out covert activities.

And while, I think, Charles said it right they couldn't show that the compliance was there it sure made it very—it created an incredible deterrent against cheating.

Mr. LOWENTHAL. Mr. Duelfer, you were the one that said that in—you know, the difficulty in the—what would you do now? Let us say we are—we kind of come to agreement on kind of ultimately what he agreement will be, how are we going to verify it?

Mr. DUELFER. The way we thought about this when we were designing and monitoring a system for Iraq was sort of in the notion of a simple equation. You have designed some array of sensors, visits, overhead surveillance—an array of things which gives you some kind of a probability of detection.

But you can't look at that independently of other elements, I mean, because if the goal is to deter Iran from going down the nu-

clear weapons path then the weapons inspectors only control one part of that equation.

The other part of the equation is the consequences and in the case of Iraq and in the case of what we are talking here presumably that is largely going to be the Security Council.

So there has to be, in Iran's assessment of the circumstances, they are going to make a judgment well, am I going to get caught—what is the probability of me getting caught and what happens to me if I do get caught.

It is that part of the equation which is also important and to look at one separate from the other, you know—

Mr. LOWENTHAL. Got it. I got it, and you learn that in terms of that it is not just the inspection but the consequences. I want to get back to that.

Is there a difference between trying to inspect and finding out whether you get caught or not on looking for weapons of mass destruction and in this case the development of a nuclear bomb? Is that the same process, same risks involved or same difficulties? It seems to me that they are different issues.

Mr. DUELFER. What the administration has designed is the system aimed at what they call the nuclear supply chain, which, to me, is defining the problem kind of narrowly.

When we were designing inspection systems we had—we needed a baseline. We wanted to know in detail what was the infrastructure that existed before we started so we could calculate where the deviations were.

This is why when people talk about the possible military dimensions that is a critical point. You know, if John Kerry can't get up and stand and say exactly where the Iranians were on weaponization then, you know, we don't know if we are going forwards or backwards. You need that kind of a baseline for designing an inspection system.

Mr. LOWENTHAL. I know I have to yield back because I have used my time. I am just wondering, Mr. Rademaker, do you have anything else to add in terms of the verification—the actual process itself?

Mr. RADEMAKER. Well, I think maybe just to echo what Mr. Albright said. You know, I think for verification to be effective it is a question of both the authority and the resources and hopefully there will be ample authority and ample resources.

But whether there is sufficient authority depends ultimately on the details of the agreement. If there was not—

Mr. LOWENTHAL. Do you believe if it was sufficient—if there was sufficient authority and sufficient resources that this would be appropriate?

Mr. RADEMAKER. What would be appropriate?

Mr. LOWENTHAL. Going down this road of using the—you know, this kind of inspection regime, that this can work?

Mr. RADEMAKER. Well, I am in favor of the most robust inspection and verification mechanism that can be achieved. But the point I wanted to make was that even if the authority is, in the judgment of myself and every other expert inadequate, that is still not a reason not to provide the resources necessary to make the best use of those authorities and so hopefully both the supporters

and the critics of this deal will support making the resources available to do the best job possible of verifying it.

Mr. LOWENTHAL. Thank you, and I yield back.

Chairman ROYCE. Thank you.

We are going to go to Mr. Scott Perry of Pennsylvania followed by Lois Frankel of Florida.

Mr. PERRY. Thank you, Mr. Chairman. Thank you, gentlemen. Just curious, Mr. Rademaker, of the executive agreements that you have cited—there are many—are there any that provide for nuclear nonproliferation?

Mr. RADEMAKER. Truthfully, I think the answer to that is probably yes. I mean, the—well, yes. I mean, first of all, the agreement with North Korea—the so-called agreed framework—was not submitted to Congress for approval. But, you know, I think we have—

Mr. PERRY. And something as it is, right? I mean—

Mr. RADEMAKER [continuing]. Similar agreements with the IAEA about inspections and those are not submitted as treaties. But, you know, I didn't—I didn't a chance to make the fundamental point which is, you know, the President triggers the treaty process with his decision whether or not to submit something as a treaty to the Senate.

If he chooses not to, you know, he can use what authority he has to try and implement that. But one thing is clear—that agreement does not achieve the force of law. I mean, this was the subject of the Tom Cotton letter in the Senate.

Mr. PERRY. Sure. And it seems to me that, and it is obvious to me and I think many of the American people that this is—this is orchestrated by the administration specifically and expressly because getting the two-thirds approval of the Senate was—it would be nearly impossible and because this is a horrible deal for the region, for Israel, for America and for the world.

That having been said, it seems to me that the whole thing—I am going to call it a treaty because that is what it is to me, it binds the American people—the whole treaty is predicated on inspection and verification.

And with that having been said, just to set the framework or the context up, Iran is party to the NPT, right? You would agree with that, right? They are party to it, and in so they also in signing it they have signed or agreed to the safeguards agreement as a component of being signatory to the NPT, correct?

Mr. RADEMAKER. Yes.

Mr. PERRY. That is correct. So and have they already violated the safeguards agreement that the themselves signed?

Mr. RADEMAKER. Absolutely.

Mr. PERRY. They absolutely have. So that kind of sets the context. Now, of who we are dealing with and past performance we keep on hearing that they can—the administration can compartmentalize, telling us that somehow that we are dealing with a convicted murderer, a rapist, someone that has been involved in human trafficking but right now we are going to discuss petty burglary and just disavow those other things even though they are on the table. That is not important. We can handle this.

Let me ask you this, Mr. Albright. Who provides intelligence for these suspected sites? Who provides the intelligence for the IAEA?

Mr. ALBRIGHT. Member states provide information and so a member state could decide to provide the information——

Mr. PERRY. Or not.

Mr. ALBRIGHT [continuing]. On suspect sites.

Mr. PERRY. But the IAEA needs to get its information somewhere. It doesn't have an intelligence wing that is out looking at the satellite photos of Iran?

Mr. ALBRIGHT. No, it looks—it has—it looks at satellite photos. It uses what they would call open sources.

Mr. PERRY. Oh, it is open. I can be looking with Google Earth, right?

Mr. ALBRIGHT. That is right.

Mr. PERRY. Okay. Yes.

Mr. ALBRIGHT. They also—but they are also in the country and so they can see indicators of violations.

Mr. PERRY. If they are freely roaming the country do they——

Mr. ALBRIGHT. Well, no, just even in interacting——

Mr. PERRY. Sure.

Mr. ALBRIGHT [continuing]. In their normal verification exercises under the NPT. They also—the NPT does require declarations and they can—and they scrutinize the declarations for inconsistencies and in fact some of the new arrangements under the deal would be that there be much broader declarations that then would provide even more ability to look for inconsistencies.

Mr. PERRY. Let me ask you this. Are the U.S. capabilities to locate undeclared sites adequate?

Mr. ALBRIGHT. I am not—I can't independently just that. I mean, some of the studies have said no. I mean, but at the same time——

Mr. PERRY. That is—that is the answer I get is no.

Mr. ALBRIGHT [continuing]. But they found—in conjunction with allies found Fordow——

Mr. PERRY. Right.

Mr. ALBRIGHT [continuing]. Found Natanz, found——

Mr. PERRY. But they are being hidden.

Mr. ALBRIGHT [continuing]. Physics research center.

Mr. PERRY. Actively being hidden. They are not being offered up to us. We have to go find them and that is who we are dealing with.

Mr. ALBRIGHT. Right.

Mr. PERRY. Let me ask you, Iran has refused to allow IAEA inspectors from the United States, Britain and France in the past because, of course, we are all spies. Is this going to—is that circumstance going to change under this agreement, as far as you know?

Mr. ALBRIGHT. It should change.

Mr. PERRY. It should, but is it going to, as far as you know?

Mr. ALBRIGHT. Well, if once Iran ratifies additional protocol I would imagine that at least British inspectors could go back in and——

Mr. PERRY. Oh, well, that is good to know.

Mr. ALBRIGHT [continuing]. But on the U.S. side, I mean, it is anyone's guess. Anyone's guess.

Mr. PERRY. We are dealing with nuclear proliferation and potentially nuclear war so I would rather not guess. Let me ask you this.

The IAEA—you have all professed that it is not the best vehicle for determining violations necessarily from a political context and so it would go to the U.N. Security Council at least is one of the possible avenues, right? Which we have already alluded to including China and Russia. Russia is now selling S-300 missiles to protect these sites.

Is this something that the American people should feel comfortable with knowing that Russia—the likes of Russia and China will be determining whether Iran is in violation of a treaty that allows them to produce nuclear material, potentially nuclear weapons?

Mr. ALBRIGHT. I think the U.S. has to have it very clearly recorded in this deal that it can decide on compliance and noncompliance. I mean, you want others—also you want some kind of authority created in this deal that could also decide. You don't want it just to be the Security Council and you don't want it just to be the IAEA.

Mr. PERRY. I concur. Thank you, Mr. Chairman. I yield back.

Chairman ROYCE. Okay. Lois Frankel, Florida.

Ms. FRANKEL. Thank you, Mr. Chair.

First, I just—I want to just state what is obvious to all of us here, which is that Iran should not be allowed to get a nuclear weapon. They are the leading state sponsor of terror.

They remain the most destabilized actor in the region and nuclear weapons would allow them to play an even more dangerous role and spark a nuclear proliferation throughout the Middle East. So I think we all agree on that.

Do you all agree that a negotiated agreement would be a better solution than a military action?

Mr. ALBRIGHT. Yes.

Mr. RADEMAKER. Yes, although I would add to that, you know, an acceptable negotiation. I mean, we could always negotiate that they can have everything they want but—

Ms. FRANKEL. Some say a good agreement—

Mr. ALBRIGHT. No, I would agree and—

Ms. FRANKEL. Okay. I understand that, yes. Mr. Duelfer?

Mr. DUELFER. Well, you know, I am a little bit reluctant to say because, you know, a negotiated agreement that gives you a false sense of confidence could be worse than all the horror that goes with a military strike.

Ms. FRANKEL. Okay. So now, let me now take you back 1½ years ago, which is when we entered into the Joint Plan of Action.

I believe that—I forget which one of you said that under the—that under what you see is the parameters of a new agreement, which we don't know the details yet but that—I think you said that Iran would be on the 1-inch line under that agreement to have a nuclear weapon.

So I want to take you back 1½ years ago. Tell me what line were we on then. I mean, how—had we not—had we not had the Joint Plan of Action how quickly was Iran or how close on that inch line or foot line was Iran to not only developing a nuclear weapon but having the ability to deliver it?

Mr. ALBRIGHT. I think—it is hard for me to use a football analogy but the breakout times—

Ms. FRANKEL. All right. Well, use whatever one you want.

Mr. ALBRIGHT. Yes, the breakout times were shrinking dangerously. I think our estimate at that time, given the large stock and growing stock of near 20 percent was about a month from being able to have enough weapon-grade uranium for a bomb if it chose to breakout.

Implementing the JPA pushed that back to about 2 months and so that was a valuable gain, and their inefficiencies in their centrifuges would probably buy you—maybe make an estimate of 2 to 3 months.

Ms. FRANKEL. And then what about being able to actually deliver it?

Mr. ALBRIGHT. And I should add too they were headed—and this is what Mr. Rademaker is referring to—by the—I think we were estimating by—based on their plans to deploy centrifuges but the summer of 2014 the breakout times would have reduced down toward a week or two.

And so the—now, in terms of their deliverability, I there is two parts to that. One is a crude device that can be used to test underground or delivered by crude methods. I think you would have to conclude that within 6 months or so they could—they could cobble together something.

If they wanted to put it on a Shahab-3 missile I think I would refer to the IAEA findings in their internal reports—that they still had a ways to go and I think U.S. estimates are probably greater than 1 year.

Ms. FRANKEL. But it could have and may have, would you agree, sparked a proliferation had they—had they enough material to create a nuclear weapon, that that could have sparked a proliferation in the Middle East?

Mr. ALBRIGHT. It certainly could. You know, unfortunately, one of the things that this deal is sparking, though, is spreading of nuclear technology in the Middle East and in fact it is—there is some very good things in this deal and there is some good norms.

One of the norms that isn't good and we are going to have to wrestle with is that you can an uranium enrichment program with zero purpose and it can be in the hands of a U.S. adversary. So how do you say no to Saudi Arabia?

Mr. RADEMAKER. Could I just interject? I am the one responsible for this football analogy.

Ms. FRANKEL. All right. Okay.

Mr. RADEMAKER. And, you know, Dave was talking about how the football has moved up and down the field.

Ms. FRANKEL. Right.

Mr. RADEMAKER. But let me just say, you know, where the football has been and where it is now, wherever it is on the football field the one thing that is clear is that today their—Iran's nuclear program is illegitimate.

Its very existence violates U.N. Security Council mandates. We are entitled to sanction it. If it came to the point where we felt we needed to use military force against it we would be able to point

to U.N. Security Council resolutions and say this is an illegitimate program—we had no choice but to take it out.

One of the critical things this agreement does is it is going to legitimize the program and one of my—my point about them being on the 1-inch line—you know, I guess I didn't emphasize this—they are going to be on the 1-inch line and it is going to be legitimate.

Ms. FRANKEL. Okay.

Mr. RADEMAKER. We are going to have no right to complain about it.

Ms. FRANKEL. Is it on the—is it on the 1-inch line or you say it is going to be on the 1-inch line in 10 years?

Mr. RADEMAKER. The latter.

Ms. FRANKEL. Okay.

Mr. RADEMAKER. But today, wherever the football is on the field it is—it is an illegitimate program. It is subject to—you know, its existence is in violation of U.N. Security Council mandates and that is not going to be the case at the end of this deal or really on day one of this deal, you know, because the Security Council will act very quickly to repeal those resolutions that forbade Iran to do this.

Ms. FRANKEL. All right. Well, may I ask—Mr. Chair, may I ask one more question? I think I am the—as usual, I am, like, one of the last people standing here, or sitting here.

I am trying to—I guess I am going to try to get back to Mr. Connolly's question because—I mean, more specific because he asked whether or not by entering the Joint Plan of Action we actually gained anything and so I think, if I am hearing what you said, that before the Joint Action Plan they were maybe a month from breakout so—

Mr. ALBRIGHT. It could breakout—could break out in a month.

Ms. FRANKEL. It could break out in a month. So at least we know had we—if there was no Joint Action Plan they could have a nuclear weapon today. That we would agree on, correct? So—

Mr. ALBRIGHT. Well, maybe not. I mean, again, U.S. policies prevent Iran from getting—U.S. policy has been to prevent Iran from getting a nuclear weapon.

Ms. FRANKEL. Right. But—

Mr. ALBRIGHT. If they move to get it, one would have expected the Obama administration to try to stop them.

Ms. FRANKEL. Okay. So maybe with a military action or whatever.

Mr. ALBRIGHT. Whatever.

Ms. FRANKEL. With all the options on the table. So just right now, with the Joint Action Plan in place, how would you compare—is the breakout time greater or less than when we started?

Mr. ALBRIGHT. It is greater and so it is 2 to 3 months.

Ms. FRANKEL. Okay. So we went from a month to 2 to 3 months?

Mr. ALBRIGHT. And that is—and that was a valuable gain and it also reversed the trend, which was to go down toward 1 week.

Ms. FRANKEL. All right. All right. Well, I hope—I thank you for your time. You know what? Mr. Sherman said, I think, what we are dealing with what is—what is the best of the worst solutions here and maybe somebody will come up with the best of the worst, I hope.

Thank you. Thank you, Mr. Chair.

Chairman ROYCE. Thank you.

Now we go to Mark Meadows from North Carolina.

Mr. MEADOWS. Thank you, Mr. Chairman. Thank you to each of you for your testimony today.

My staff has been working on a number of issues that really are perplexing and, Mr. Rademaker, you kind of alluded to it just a few minutes ago.

You know, five executive orders, over 10 codified laws that required Congress to act to remove the sanctions in some way, form or fashion from Iran.

And yet here we are today discussing this particular deal of a new deal when Iran is violating not only outlined codified law on our behalf but, according to your testimony just now, U.N. sanctions.

Is that correct? Are they violating U.N. sanctions by having a nuclear program?

Mr. RADEMAKER. You know, that is one of the mysteries of the Joint Plan of Action because yes, those U.N. mandates remain in effect yet you have got this agreement that sort of takes a wink at that or gives a wink to that and says—

Mr. MEADOWS. So we have—

Mr. RADEMAKER [continuing]. We are going to—I mean, in a way we have sort of delegitimized the authority of the U.N. Security Council by winking at these Iranian violations of U.N. mandates.

Mr. MEADOWS. So what this administration is saying is that it is okay if you violate some of the U.N. sanctions and some of the U.N. guidelines that are out there today as long as you enter into a new agreement where you promise not to violate them. Is that correct?

Mr. RADEMAKER. I would say that is correct, yes.

Mr. MEADOWS. Well, if that is the case, if they are not willing to adhere to existing laws that are in place, existing guidelines by both the United States and the U.N., how do we expect them, just because 18 months has transpired, to be any more, I guess, legitimate, to use your words, with regards to compliance? How can we expect a different result based on this new agreement?

Mr. RADEMAKER. Well, I will give you two answers. The first is a flip one—you know, hope springs eternal—but the second one is more serious and that is it is the Faustian bargain that I referred to in my testimony.

I think the calculation is we are going to offer the Iranians a really sweet deal. They behave for 10 years and we are going to incentivize them to behave for 10 years because at the end of the 10 years they get everything they want.

Mr. MEADOWS. So—

Mr. RADEMAKER. And so, you know, maybe they cheat during the 10 years but then they get—then they lose the really sweet deal.

Mr. MEADOWS. So we are legitimizing their nuclear program today in exchange for them to have a bona fide nuclear program 10 years from now?

Mr. RADEMAKER. That is fundamentally the bargain that is being offered to them.

Mr. MEADOWS. Well, if it takes Congress to act to remove these particular codified laws, if it takes the U.N. to act to remove U.N. sanctions, how in the world does a snap back really happen?

I mean, this new snap back is part of the framework. I have never known sanctions to ever snap back and ever be effective quickly.

Mr. RADEMAKER. Well, you know—

Mr. MEADOWS. Can you show—can you point to a point in history where that has ever had immediate impact on a snap back kind of situation where a sanction had an immediate effect and changed it overnight?

Mr. RADEMAKER. I would have to think about that but let me just say, you know, for the domestic side of it, you know, where it is a matter of U.S. law, you are going to be writing the law and, you know, you can write a law that will snap back U.S. sanctions.

You can write that. Now, it may require the President to implement that law in good faith but—and that may or may not be an obstacle. But, you know, you can—

Mr. MEADOWS. So what about the U.N.?

Mr. RADEMAKER [continuing]. Construct a domestic snap back. Yes, the U.N. much, much harder and I would say, as I said earlier, I would be astonished—

Mr. MEADOWS. Harder or impossible? Well, close to impossible?

Mr. ALBRIGHT. You should wait and see, though, because they—there is another challenge. It has to be automatic and so you can't—

Mr. RADEMAKER. Well, I—

Mr. MEADOWS. And therein is my thing. In the framework analysis that we have, gentlemen, it talks about mitigation and how we mitigate differences and if we have a 2-month window or even if it grows to 1 year, as the talking points have, can you mitigate something longer enough to allow Iran to get to a nuclear bomb before we could actually take action, according to our own framework?

Mr. ALBRIGHT. Yes, but there are two issues. One is can you create a snap back mechanism and I am told that they are seriously looking at ways to do that. It is not resolved and I couldn't give you an answer in any case because—

Mr. MEADOWS. Can you point to anywhere this has—

Mr. ALBRIGHT. Well, I think this is on precedent.

Mr. MEADOWS. I am not aware of any.

Mr. ALBRIGHT. But the other part is can it work. I mean, in that I think we should be clear on. I think that using sanctions to stop an Iranian breakout is probably not possible.

I mean, it just takes too long for the sanctions to really have an impact and so more is going to be needed and I think that has to be thought through by the U.S. Government and by Congress of what else is going to have to be put into, in a sense, the implementing U.S. legislation that would trigger reactions if Iran isn't in compliance.

Mr. MEADOWS. So let me—let me clarify. A snap back will not stop Iran from getting a nuclear bomb. Is that—

Mr. ALBRIGHT. I don't think so, not even if you had a year breakout time. It is hard to see how that alone would do it. Just, again,

that if it is—if you create, you know, go much, much further on the impact of sanctions.

But I think in the end you are pushed to the point of are you going to respond militarily. I mean, I think that is a horrible place to be but I think that is ultimately where you end up.

But if you want to stop them before they get enough material for a bomb you probably have to have some preauthorization or something in law that would—that would authorize the U.S. to respond.

And this would also help address what Mr. Rademaker has brought up about the legitimization of the program and so I think it is going to require some real thought about how the U.S.—how it implements this deal.

Mr. MEADOWS. I am out of time. I will yield back. Thank you, Mr. Chairman.

Chairman ROYCE. Thank you, and let me just express our appreciation for our witnesses for being here today and for the time they have given us and also on this issue of inspections, this verification component and the other parts of this program that we have talked about today.

An understanding of that is going to be critical to Congress as it judges any final agreement. So we are going to have a series of additional hearings on different aspects on the agreement. But it is clear when it comes to the issue of verification that the administration has a long way to go.

So this hearing for now is adjourned. Thank you.

[Whereupon, at 12:52 p.m., the committee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE RECORD

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128

Edward R. Royce (R-CA), Chairman

April 22, 2015

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Wednesday, April 22, 2015

TIME: 10:00 a.m.

SUBJECT: Nuclear Agreement with Iran: Can't Trust, Can We Verify?

WITNESSES: Mr. Charles Duelfer
Chairman
Omnis, Inc.
(Former Chairman, UN Special Commission on Iraq [UNSCOM])

The Honorable Stephen G. Rademaker
National Security Advisor
Bipartisan Policy Center
(Former Assistant Secretary, Bureau of Arms Control & Bureau of International Security and Nonproliferation, U.S. Department of State.)

Mr. David Albright
Founder and President
Institute for Science and International Security

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF FULL COMMITTEE HEARING

Day Wednesday Date 4/22/15 Room 2172

Starting Time 10:08 Ending Time 12:52

Recesses 0 (to) (to) (to) (to) (to) (to)

Presiding Member(s)

Chairman Edward R. Royce

Check all of the following that apply:

Open Session ☒

Electronically Recorded (taped) ☒

Executive (closed) Session ☐

Stenographic Record ☒

Televised ☒

TITLE OF HEARING:

Nuclear Agreement with Iran: Can't Trust, Can We Verify?

COMMITTEE MEMBERS PRESENT:

See attached.

NON-COMMITTEE MEMBERS PRESENT:

None

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

IFR - Issa

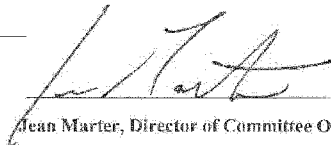
IFR - Issa

SFR - Connolly

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 12:52



Jean Marter, Director of Committee Operations

HOUSE COMMITTEE ON FOREIGN AFFAIRS

FULL COMMITTEE HEARING

<i>PRESENT</i>	<i>MEMBER</i>
X	Edward R. Royce, CA
X	Christopher H. Smith, NJ
X	Ileana Ros-Lehtinen, FL
X	Dana Rohrabacher, CA
X	Steve Chabot, OH
	Joe Wilson, SC
	Michael T. McCaul, TX
X	Ted Poe, TX
X	Matt Salmon, AZ
X	Darrell Issa, CA
	Tom Marino, PA
X	Jeff Duncan, SC
	Mo Brooks, AL
X	Paul Cook, CA
	Randy Weber, TX
X	Scott Perry, PA
X	Ron DeSantis, FL
X	Mark Meadows, NC
X	Ted Yoho, FL
X	Curt Clawson, FL
	Scott, DesJarlais, TN
	Reid Ribble, WI
	Dave Trott, MI
X	Lee Zeldin, NY
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X	Lois Frankel, FL
X	Tulsi Gabbard, HI
X	Joaquin Castro, TX
X	Robin Kelly, IL
X	Brendan Boyle, PA

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DARRELL E. ISSA, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA



Congress of the United States
House of Representatives
Washington, DC 20515-4302

March 19, 2015

The Honorable James R. Clapper
Director of National Intelligence
Office of the Director of National Intelligence
Washington, DC 20511

Dear Mr. Clapper:

We are writing to you to express our concern regarding the omission of Iran and Hezbollah from the "terrorism" section of the 2015 Worldwide Threat Assessment of the US Intelligence Community. This glaring omission requires a full and detailed explanation.

This omission is even more striking given that the 2014 Worldwide Threat Assessment states that Iran and Hezbollah are persistent threats to U.S. interests overseas. The 2014 report notes Hezbollah's continued and direct threat to U.S. allies and describes the sharp increase in the groups' activities that reached a level unseen since the 1990s. Given Hezbollah's steady pace of activities since the conclusion of the 2014 assessment, to include the groups' actions in support of the Assad regime in Syria and aggressive actions against Israel, we are deeply concerned that the 2015 assessment makes absolutely no mention of Iran or Hezbollah other than that Hezbollah is a target for Sunni extremists. Iran is in fact the most prolific state-sponsor of Shia terrorism around the globe—carried out, in part, by its proxy Hezbollah.

We are left to conclude that it is the position of the Office of the Director of National Intelligence that Iran and Hezbollah do not represent a terrorist threat to U.S. interests or our allies abroad. Please provide a detailed written explanation as to why Iran and Hezbollah were left out of the terrorism section of the 2015 assessment and explain whether or not the Office of the Director of National Intelligence believes Iran and Hezbollah pose a terrorist threat to U.S. interests abroad and those of our allies.

Thank you for your attention to this matter and we look forward to your response.

Sincerely,

Ted Poe
Member of Congress

Ileana Ros-Lehtinen
Member of Congress

Michael T. McCaul

Michael T. McCaul
Member of Congress

Matt Salmon

Matt Salmon
Member of Congress

Darrell E. Issa

Darrell E. Issa
Member of Congress

Tom Marino

Tom Marino
Member of Congress

Jeff Duncan

Jeff Duncan
Member of Congress

Mo Brooks

Mo Brooks
Member of Congress

Paul Cook

Paul Cook
Member of Congress

Randy K. Weber

Randy K. Weber
Member of Congress

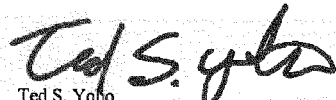
Scott Perry

Scott Perry
Member of Congress

Ron DeSantis

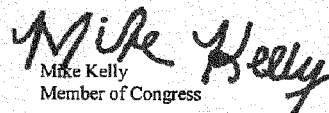
Ron DeSantis
Member of Congress


Mark Meadows
Member of Congress


Ted S. Yoho
Member of Congress


Lee M. Zeldin
Member of Congress


Christopher Smith
Member of Congress


Mike Kelly
Member of Congress


David Trott
Member of Congress


Curt Clawson
Member of Congress

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DARRELL E. ISSA, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

APR 09 2015

The Honorable Ted Poe
United States House of Representatives

The Honorable Ileana Ros-Lehtinen
United States House of Representatives

The Honorable Michael T. McCaul
United States House of Representatives

The Honorable Matt Salmon
United States House of Representatives

The Honorable Darrell E. Issa
United States House of Representatives

The Honorable Tom Marino
United States House of Representatives

The Honorable Jeff Duncan
United States House of Representatives

The Honorable Mo Brooks
United States House of Representatives

The Honorable Paul Cook
United States House of Representatives

The Honorable Randy K. Weber
United States House of Representatives

The Honorable Scott Perry
United States House of Representatives

The Honorable Ron DeSantis
United States House of Representatives

The Honorable Mark Meadows
United States House of Representatives

The Honorable Ted S. Yoho
United States House of Representatives

The Honorable Lee M. Zeldin
United States House of Representatives

The Honorable Christopher Smith
United States House of Representatives

The Honorable Mike Kelly
United States House of Representatives

The Honorable David Trott
United States House of Representatives

The Honorable Curt Clawson
United States House of Representatives

Dear Representatives:

The U.S. Intelligence Community (IC) continues to assess that Iran and Hizballah directly threaten the interests of the United States and our allies and that Hizballah remains a global terrorist threat. This has been the consistent view of the IC for more than three decades.

The *Worldwide Threat Assessment of the US Intelligence Community* is written as an overview of the many threats facing the United States. It is not now, nor has it been, a comprehensive listing of every threat facing the U.S. This year, there were many topics to consider, including the Islamic State of Iraq and the Levant, cyber threats, and events

involving Ukraine and Russia, to name just a few. Throughout the preparation of the testimony, we, and the Committee receiving the testimony, understood that details would be addressed in the lengthy question and answer session that followed, in both open and closed sessions.

The 2015 Assessment clearly outlines the threat Iran poses to the U.S. and our regional interests, including its support to militant groups, stating:

- “The Islamic Republic of Iran is an ongoing threat to US national interests because of its support to the Asad regime in Syria, promulgation of anti-Israeli policies, development of advanced military capabilities, and pursuit of its nuclear program.”
- “Iranian assistance has been instrumental in expanding the capabilities of Shia militants in Iraq.”
- “Iran’s actions to protect and empower Shia communities are fueling growing fears and sectarian responses.”

During the 26 February open hearing on worldwide threats with the Senate Armed Services Committee, for which this assessment was prepared, I responded in the affirmative when Senator Ayotte asked whether I still characterize Iran as one of the largest state sponsors of terrorism in the world.

The Office of the Director of National Intelligence has also testified in other open venues on the terrorist threat posed by Iran. On 12 February 2015, Director Nicholas Rasmussen of the National Counterterrorism Center—contained within my office—also testified before the Senate Select Committee on Intelligence. During that hearing, Director Rasmussen testified:

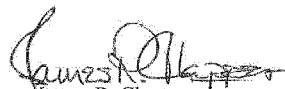
- “Beyond their role in Syria and Iraq, Iran and Lebanese Hizballah remain committed to conducting terrorist activities worldwide and we are concerned their activities could either endanger or target U.S. and other Western interests. Iran remains the foremost state sponsor of terrorism, and works through the Iranian Revolutionary Guards-Qods Force and Ministry of Intelligence and Security to support groups that target U.S. and Israeli interests globally. Hizballah has engaged in an aggressive terrorist campaign in recent years and continues attack planning abroad.”

Director Rasmussen also provided the following response to questions in that hearing from Senator Lankford:

- “Iranian sponsorship and association with particularly Lebanese Hizballah provides a global reach to that organization. So I could not give you a direct answer as to how many countries, but I would certainly argue it is global. It extends to pretty much every single region of the world.”

Thus, the totality of the assessments provided publicly in written and oral statements by my office makes clear that there has been no change in the IC's assessment of the threat posed by Iran or its client, Hizballah. A specific reference to the terrorist threat from Iran and Hizballah would have been appropriate for the 2015 Assessment, but a lack of inclusion is in no way a change in the IC's assessment.

Sincerely,



James R. Clapper

Statement for the Record
Submitted by Mr. Connolly of Virginia

The Joint Comprehensive Plan of Action (JCPOA) announced on April 2 outlines the parameters of a potential final nuclear deal with Iran. Negotiators are now hard at work determining the technical details necessary to draft a final agreement.

While the JCPOA represents potentially unprecedented access to Iran's nuclear program, work remains determining the thresholds for certifying Iran's noncompliance and the mechanisms the U.S. and our international partners will have to act swiftly in the event Iran fails to uphold its commitments. Negotiators will need to carefully quantify noncompliance in a manner that limits dispute, and they must marry closely noncompliance to corrective action on the part of the international community.

The monitoring components of the JCPOA would shine a light into every aspect of Iran's nuclear program. In addition to the implementation of the International Atomic Energy Agency (IAEA) Additional Protocol, which would provide access to declared and undeclared nuclear facilities, the JCPOA outlines monitoring commitments for Iran's uranium mining operations, centrifuge manufacturing cycle, and procurement process for nuclear-related and dual use materials and technology. The monitoring provisions would include access to military sites, continuous surveillance for up to 25 years, and daily access to nuclear facilities.

This already exceeds the commitments the international community received under previous nuclear negotiations such as the 1994 Agreed Framework with North Korea. In that case and since then, North Korea has never implemented the IAEA Comprehensive Safeguards Agreement or Additional Protocol, and only minor components of the North Korean nuclear program were disabled during the Six Party talks.

Monitoring, which entails the collection of information about the Iranian nuclear program, is only the first step in the verification process. That information must then be evaluated for noncompliance. The threshold for noncompliance stated in the JCPOA is "significant non-performance." This will need to be quantified for nearly every component of the deal to maintain the integrity of the verification regime. Competing interpretations of compliance has the potential to quickly collapse the political will buttressing a final agreement. To prevent drawn out mediations, negotiators have taken the welcome step of creating a dispute resolution process that allows the immediate imposition of UN sanctions in the event of intractable disagreements about the performance of JCPOA commitments. Measures such as this help ensure that the time between detection of noncompliance and action on the part of the P5+1 is limited.

This opportunity to evaluate the verification regime laid out in the JCPOA is a welcome opportunity to assert Congressional prerogative. There has been an appropriate role for Congress to play throughout this entire process. Congress helped erect the robust and effective nuclear sanctions regime that drove Iran to the negotiating table, and Congress has been patient in allowing the Administration the space to pursue negotiations.

Congress should continue to provide a thoughtful and productive evaluation of the JCPOA that enables the negotiators to secure a high quality agreement. Absent a final agreement, Iran's nuclear program will once again be opaque and unencumbered by strict limitations. Those who have sought to undermine the talks at every turn have still offered no viable alternative to the negotiations. This includes the chorus of Bush-era arms control officials who accomplished little to nothing on this front during their tenure.

